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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

# MISSOURI REGISTER

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December 1, 2005	<b>January 3, 2006</b>	January 29, 2006	February 28, 2006
December 15, 2005	<b>January 17, 2006</b>	January 29, 2006	February 28, 2006
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September 1, 2006	<b>October 2, 2006</b>	October 31, 2006	November 30, 2006
September 15, 2006	<b>October 16, 2006</b>	October 31, 2006	November 30, 2006

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 4—Unemployment Insurance**

**EMERGENCY RULE**

**8 CSR 10-4.190 State Unemployment Tax Act Dumping**

*PURPOSE: This rule implements federally mandated legislation regarding State Unemployment Tax Act Dumping under the Missouri Employment Security Law, section 288.110.2, RSMo.*

*EMERGENCY STATEMENT: The State Unemployment Tax Act (SUTA) Dumping Prevention Act of 2004, signed by the president of the United States in August 2004, required each state to enact laws to prevent employers from inappropriately lowering their unemployment insurance contribution rates. This practice is called SUTA dumping. During the 2005 legislative session, the Missouri General Assembly passed House Bill Nos. 500 and 533, which prohibit SUTA dumping in Missouri. This bill was signed by the governor and is effective January 1, 2006. The statute as amended has no complete definition of common ownership, management, or control. This rule is needed to interpret section 288.110.2, RSMo which was a federally mandated amendment. The definitions are needed to explain the changes in the law. Without the rule Missouri employers may not understand how the change in the law impacts their business. As a result, the Division of Employment Security finds a compelling governmental interest, which requires this emergency action.*

*A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Division of Employment Security believes this emergency is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 22, 2005, effective January 1, 2006, expires June 29, 2006.*

(1) When used in section 288.110.2, RSMo the following terms mean:

(A) "Substantially common ownership" exists if, on the date of an acquisition of the organization, trade or business of an employing unit, a shareholder, officer, or other owner of a legal or equitable interest in the predecessor employing unit, or the spouse, natural child, stepparent, stepsibling, or a person within the first or second degree of consanguinity or affinity or secondary affinity of the shareholder, officer, or other owner:

1. Is a shareholder, officer or other owner of a legal or equitable interest in the successor-employing unit; or

2. Holds an option to purchase a legal or equitable interest in the successor-employing unit.

(B) "Substantially common management or control" exists if, after the acquisition of the organization, trade or business of an employing unit, the predecessor-employing unit continues to:

1. Own or manage the entity that conducts the organization, trade or business;

2. Own or manage the assets necessary to conduct the organization, trade, or business;

3. Control through security or lease arrangements the assets necessary to conduct the organization, trade or business; or

4. Direct the internal affairs or conduct of the organization, trade or business.

*AUTHORITY: section 288.220, RSMo 2000. Emergency rule filed Nov. 22, 2005, effective Jan. 1, 2006, expires June 29, 2006. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 41—General Tax Provisions**

**ORDER TERMINATING EMERGENCY AMENDMENT**

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director hereby terminates an emergency amendment filed November 1, 2005, terminated December 21, 2005, as follows:

**12 CSR 10-41.010 Annual Adjusted Rate of Interest  
is terminated.**

A notice of rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on December 15, 2005 (30 MoReg 2550-2551).

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 41—General Tax Provisions**

**EMERGENCY AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The department proposes to amend section (1).

**PURPOSE:** Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2006 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2006.

**EMERGENCY STATEMENT:** The director of revenue is mandated to establish not later than October 22 annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2006 calendar year. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the *Missouri* and *United State Constitutions*. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed December 21, 2005, effective January 1, 2006, expires June 29, 2006.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
<b>2006</b>	<b>7%</b>

**AUTHORITY:** section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 1, 2005, terminated Dec. 21, 2005. Emergency amendment filed Dec. 21, 2005, effective Jan. 1, 2006, expires June 29, 2006. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### PROPOSED AMENDMENT

**3 CSR 10-4.135 Transportation.** The commission proposes to amend section (2).

*PURPOSE: This amendment allows holders of the Fur Handler's Permit, as provided in 3 CSR 10-10.711, to possess and ship pelts of furbearers according to specified obligations.*

(2) In addition to personal transportation, legally possessed commercial fish, frogs, deer hides, squirrel and rabbit pelts, and furbearer pelts and carcasses may be shipped by mail, express and freight, when truly labeled with the names and addresses of shipper and

addressee, shipper's permit number or Telecheck confirmation number, as required, and the contents of each package. Wildlife breeders, taxidermists, fur dealers, tanners, *[and]* fur buyers, **and fur handlers** may ship according to regulations specifically provided for such permittees. Wildlife shall not be accepted for shipment unless the shipper shall have complied with the provisions of this rule.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 14, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 13, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Assistant Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Division 30—Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects Chapter 1—Organization

#### PROPOSED AMENDMENT

**4 CSR 30-1.020 Board Compensation.** The board is proposing to amend the Purpose, to delete section (1), renumber the remaining sections accordingly and amend the newly renumbered sections (2) and (3).

*PURPOSE: This amendment makes changes with reference to the title of the board and establishes the compensation for members of the board to be consistent with section 327.051.4, RSMo.*

*PURPOSE: This rule fixes the compensation for the members of the Missouri Board of Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects in compliance with the mandates of section 327.051.4, RSMo [1986].*

*[(1) Each member of the Missouri Board for Architects, Professional Engineers and Land Surveyors whose term of office began before October 11, 1986 shall receive as compensation the sum of forty dollars (\$40) for each day that member devotes to the affairs of the board.]*

*[(2)] (1) Each member of the Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects [whose term of office begins on or after October 11, 1986] shall receive as compensation the sum of fifty dollars (\$50) for each day that member devotes to the affairs of the board.*

*[(3)] (2) In addition/s/ to compensation fixed, each member is entitled to reimbursement of his/her expenses necessarily incurred in the discharge of his/her official duties.*

[(4)] (3) No request for the compensation provided shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

*AUTHORITY: sections 327.041, RSMo Supp. 2004 and 327.051.4, RSMo [1986] 2000. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed July 25, 1986, effective Oct. 11, 1986. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects**

#### **Chapter 2—Code of Professional Conduct**

#### **PROPOSED AMENDMENT**

**4 CSR 30-2.010 Code of Professional Conduct.** The board is proposing to amend the Purpose and sections (1)–(16).

*PURPOSE: This amendment makes changes with reference to the title of the board and adds the word “professional” in front of land surveyor(s), as well as changes the words “registered,” “registrant” and “registration” to “licensed,” “licensee” and “licensure.”*

*PURPOSE: This rule establishes a professional code of conduct for architects, professional engineers, [and] professional land surveyors and landscape architects.*

[(1)] *The Missouri Rules of Professional Conduct for Architects, Professional Engineers and Land Surveyors Preamble reads as follows: Pursuant to section 327.041.2., RSMo, the Missouri Board for Architects, Professional Engineers and Land Surveyors adopts the following rules, referred to as the rules of professional conduct. These rules of professional conduct are binding on every person registered by the board to practice architecture, professional engineering and land surveying in Missouri. Each person registered pursuant to Chapter 327, RSMo is required to be familiar with Chapter 327, RSMo and the rules of the Missouri Board for Architects, Professional Engineers and Land Surveyors which includes these rules of professional conduct. The rules of professional conduct will be enforced under the powers vested in the Missouri Board for Architects, Professional Engineers and Land Surveyors. Any act or practice found to be in violation of these rules of professional conduct will be grounds for a complaint to be filed with the Administrative Hearing Commission. In these rules of professional conduct, the word registrant shall mean any*

*person registered as an architect, professional engineer or land surveyor under the provisions of Chapter 327, RSMo.]*

#### **(1) Definitions.**

(A) **Board**—The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects.

(B) **Licensee**—Any person licensed as an architect, professional engineer, professional land surveyor or landscape architect under the provisions of Chapter 327, RSMo.

(2) **The Missouri Rules of Professional Conduct for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Preamble** reads as follows: Pursuant to section 327.041.2, RSMo, the board adopts the following rules, referred to as the rules of professional conduct. These rules of professional conduct are binding for every licensee. Each person licensed pursuant to Chapter 327, RSMo is required to be familiar with Chapter 327, RSMo and the rules of the board. The rules of professional conduct will be enforced under the powers vested in the board. Any act or practice found to be in violation of these rules of professional conduct will be grounds for a complaint to be filed with the Administrative Hearing Commission.

[(2)](3) In practicing architecture, professional engineering, [or] land surveying or **landscape architecture**, a [registrant] licensee shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by [registered] architects, professional engineers, [or] **professional land surveyors or landscape architects** of good standing, practicing in Missouri. In the performance of professional services, [registrants] licensees shall be cognizant that their primary responsibility is to the public welfare, and this shall not be compromised by any self-interest of the client or the [registrant] licensee.

[(3)] (4) [Registrants] Licensees shall undertake to perform architectural, professional engineering, [and] land surveying **and landscape architectural** services only when they, together with those whom the [registrant] licensee may employ, or engage as a consultant, are qualified by education, training and experience in the specific technical areas involved.

[(4)] (5) [Registrants] Licensees, in the conduct of their practice, shall not knowingly violate any state or federal criminal law. [Registrants] Licensees shall comply with state laws and regulations governing their practice. In the performance of architectural, professional engineering, [or] land surveying **or landscape architectural** services within a municipality or political subdivision that is governed by laws, codes and ordinances relating to the protection of life, health, property and welfare of the public, a [registrant] licensee shall not knowingly violate these laws, codes and ordinances.

[(5)] (6) [Registrants] Licensees at all times shall recognize that their primary obligation is to protect the safety, health, property or welfare of the public. If the professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer or client and other authority as may be appropriate.

[(6)] (7) [Registrants] Licensees shall not assist [nonregistrants] non-licensees in the unlawful practice of architecture, professional engineering, [or] land surveying **or landscape architecture**. [Registrants] Licensees shall not assist in the application for [registration] licensure of a person known by the [registrant] licensee to be unqualified in respect to education, training, experience or other relevant factors.

[(7)] (8) [Registrants] Licensees shall truthfully and accurately represent to others the extent of their education, training, experience and professional qualifications. [Registrants] Licensees shall not misrepresent or exaggerate the scope of their responsibility in connection with prior employment or assignments.

[(8)] (9) [Registrants] Licensees shall not accept compensation, financial or otherwise, from more than one (1) party, for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties. The disclosure and agreement shall be in writing.

[(9)] (10) [Registrants] Licensees shall make full disclosure, suitably documented, to their employers or clients of potential conflicts of interest, or other circumstances which could influence or appear to influence their judgment on significant issues or the unbiased quality of their services.

[(10)] (11) [Registrants] Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, contributions or valuable gifts, in order to secure employment, gain an unfair advantage over other [registrants] licensees, or influence the judgment of others in awarding contracts for either public or private projects. This provision is not intended to restrict in any manner the rights of [registrants] licensees to participate in the political process; to provide reasonable entertainment and hospitality; or to pay a commission, percentage or brokerage fee to a bona fide employee or bona fide established commercial or marketing agency retained by the [registrant] licensee.

[(11)] (12) [Registrants] Licensees shall not solicit or accept financial or other valuable consideration, either directly or indirectly, from contractors, suppliers, agents or other parties in return for endorsing, recommending or specifying their services or products in connection with work for employers or clients.

[(12)] (13) [Registrants] Licensees shall not attempt to, directly or indirectly, injure the professional reputation, prospects of practice or employment of other [registrants] licensees in a malicious, or false manner, or both.

[(13)] (14) [Registrants] Licensees shall not reveal confidential, proprietary or privileged facts or data, or any other sensitive information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law or rules of this board.

[(14)] (15) [Registrants] Licensees having knowledge of any alleged violation of this Code shall cooperate with the proper authorities in furnishing information or assistance as may be required.

**AUTHORITY:** section 327.041, RSMo [1986] Supp. 2004. Original rule filed Dec. 10, 1975, effective Jan. 10, 1976. Rescinded: Filed May 23, 1978, effective Sept. 11, 1978. Readopted: Filed Nov. 1, 1990, effective April 29, 1991. Amended: Filed Feb. 26, 1992, effective Aug. 6, 1992. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson

City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 4—Applications

#### PROPOSED AMENDMENT

**4 CSR 30-4.050 Criteria to File Application Under 327.391, RSMo.** The board is proposing to amend the Purpose and sections (1) and (2).

**PURPOSE:** This amendment makes changes with reference to the title of the board and adds the word "professional" in front of land surveyor(s), and changes the words "registered," "registrant" and "registration" to "licensed," "licensee" and "licensure" as well as changes the acronym "NCEE" to "NCEES."

**PURPOSE:** This rule requires that applications for [registration] licensure under section 327.391, RSMo [1986] be subject to criteria established by the board at the time of receipt of the application.

(1) All applications for [registration] licensure as a professional engineer under section 327.391, RSMo [1986] shall be subject to such criteria as established by the board at the time the application is received.

(D) Applicant shall request at least five (5) [registered] professional engineers to send a letter of reference directly to the office of the board. Letters are not to be submitted by individuals listed in the applicant's experience record or from persons who sign the five (5) interrogatory form letters of reference furnished to the applicant in his/her packet of application forms.

(E) Applicant should be a resident of the state of Missouri or hold a valid certificate of [registration] licensure as an engineer issued by another state.

(F) If the applicant holds a degree in engineering or science, and if the board approves the applicant for further consideration after reviewing material submitted pursuant to subsections (1)(A)-(D) of this rule, the applicant will be invited to submit a comprehensive, detailed, notarized report on a significant engineering project in which s/he has personally participated as an engineer or for which the engineering functions have been under his/her direct supervision. The project on which s/he is reporting must not have been completed more than ten (10) years prior to the date of the report. The report will be a document prepared for the specific purpose of [registration] licensure. A printed article of personal or conjoint authorship or a copy of a document prepared for some other purpose will not be acceptable. With the report, the applicant will be required to include a list of items covering some of his/her achievements, such as published articles, books, citations, honors, patents, society activities, etc. and exhibits of personal work which s/he considers to be of outstanding engineering nature, not to exceed four (4) or five (5) in number. If, after reviewing the report, the board still feels the applicant deserves further consideration, the applicant will be required to pass an oral examination.

(2) All applications for [registration] licensure as a professional land surveyor under section 327.391, RSMo [1986] shall be subject to such criteria as established by the board at the time the application is received.

(D) Applicant shall request at least five (5) [registered] professional land surveyors to send a letter of reference directly to the

office of the board. Letters are not to be submitted by individuals listed in the applicant's experience record or from persons who sign the five (5) interrogatory form letters of reference furnished to the applicant in his/her packet of application forms.

(E) Applicant should be a resident of the state of Missouri or hold a valid certificate of *[registration]* licensure as a **professional** land surveyor issued by another state.

(F) If the applicant holds a degree in engineering or science, and if the board approves the applicant for further consideration after reviewing material submitted pursuant to subsections (2)(A)-(D) of this rule, the applicant will be invited to submit a comprehensive, detailed, notarized report on an outstanding land surveying project in which s/he has personally participated as a **professional** land surveyor or for which the land surveying functions have been under his/her direct supervision. The report will be a document prepared for the specific purpose of *[registration]* licensure. A printed article of personal or conjoint authorship or a copy of a document prepared for some other purpose will not be acceptable. With the report, the applicant will be required to include a list of items covering some of his/her achievements, such as published articles, books, citations, honors, patents, society activities, etc. and exhibits of personal work which s/he considers to be of outstanding land surveying nature, not to exceed four (4) or five (5) in number. If, after reviewing the report, the board still feels the applicant deserves further consideration, the applicant will be required to pass an oral examination.

(H) The written examination shall consist of three (3) sections. The first section shall be the **National Council of Examiners for Engineering and Surveying (NCEES) Part III Examination** covering the Principles and Practice of Land Surveying. The second section shall be Part IV-A covering Missouri statutes and rules related to the Standards of Practice of the Missouri Land Survey, the U.S. system of public land surveying in Missouri, the Missouri State Coordinate System and other areas of professional practice in Missouri. The third section shall be the NCEES Part IV-B Examination covering the Principles and Practice of Land Surveying.

*AUTHORITY: section 327.041, RSMo [1986] Supp. 2004. Original rule filed Nov. 10, 1971, effective Dec. 10, 1971. Amended: Filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed Jan. 27, 1987, effective April 26, 1987. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 5—Examinations**

#### **PROPOSED AMENDMENT**

**4 CSR 30-5.020 NCARB Examinations—Architects.** The board is proposing to amend section (1).

*PURPOSE: This amendment makes changes with reference to the title of the board.*

(1) The architectural division of the Missouri Board for Architects, Professional Engineers, *[and]* **Professional Land Surveyors, and Landscape Architects**, having reviewed past examinations of the National Council of Architectural Registration Boards (NCARB) on architecture, finds that the examinations meet the requirements of section 327.151, RSMo *[1986]*, and, pursuant to the discretion vested by this statute, does adopt the examination prepared by that organization as that of the division as fully as if the division had prepared the examination, with the modifications as the division deems proper. The division reserves the right to revoke this approval at any time and to prepare and administer the examination as it deems proper.

*AUTHORITY: section 327.041, RSMo [1986] Supp. 2004. Original rule filed Aug. 27, 1974, effective Sept. 27, 1974. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 5—Examinations**

#### **PROPOSED AMENDMENT**

**4 CSR 30-5.070 NCEES Examinations—Engineers.** The board is proposing to amend the title, Purpose, and section (1).

*PURPOSE: This amendment makes changes with reference to the title of the board, the National Council of Examiners for Engineering and Surveying as well as changes the acronym "NCEE" to "NCEES."*

*PURPOSE: This rule adopts the National Council of [Engineering] Examiners for Engineering and Surveying examination for engineers.*

(1) The Missouri Board for Architects, Professional Engineers, *[and]* **Professional Land Surveyors, and Landscape Architects**, having reviewed past examinations of the National Council of *[Engineering]* Examiners for Engineering and Surveying (NCEES) on engineering, finds that the examination meets the requirements of section 327.241, RSMo *[1986]* and, pursuant to the discretion vested by this statute, does adopt the examination prepared by that organization as that of the board as fully as if the board had prepared the examination, with modifications as the board deems proper. The board reserves the right to revoke this approval at any

time and to prepare and administer the examination as it deems proper.

**AUTHORITY:** section 327.041, RSMo [1986] Supp. 2004. Original rule filed Aug. 27, 1974, effective Sept. 27, 1974. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

*expected to increase at the rate projected by the Legislative Oversight Committee.*

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 6—Fees**

#### **PROPOSED AMENDMENT**

**4 CSR 30-6.015 Application, Renewal, Reinstatement, [Reregistration] Relicensure and Miscellaneous Fees.** The board is proposing to amend the title, to delete subsection (1)(W) and reletter the remaining subsections accordingly.

**PURPOSE:** This amendment makes changes to the title of the board and amends the title of this rule to change the word "Reregistration" to "Relicensure" to bring it into compliance with Chapter 327, RSMo. In addition, the certification fee is being increased to fifty dollars (\$50) and the Architectural Routing Fee is being eliminated.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

(U) Certification Fee	[ \$ 10 ] \$ 50
(V) Duplicate Certificate License Fee	\$ 10
[(W) Architectural Routing Fee	\$ 25]
[(X)] (W) Insufficient Funds Check Charge	\$ 25
[(Y)] (X) Evaluation of Non-Accredited Engineering Degrees	\$300

**AUTHORITY:** section 327.041, RSMo Supp. [2003] 2004. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment is estimated to cost private entities an increase of approximately six hundred eighty dollars (\$680) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and is

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects****Chapter 6 - Fees****Proposed Rule - 4 CSR 30-6.015 Application, Renewal, Reinstatement, Relicensure and Miscellaneous Fees**

Prepared November 1, 2005 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated increase cost of compliance with the rule by affected entities:
17	Licensees (certification fee @ \$40)	\$680
	<b>Estimated Annual Increase Cost of Compliance for the Life of the Rule</b>	<b>\$680</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**NOTE:** The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, Professional Land Surveyors, and  
Landscape Architects  
Chapter 6—Fees**

**PROPOSED AMENDMENT**

**4 CSR 30-6.020 Reexamination Fees.** The board is proposing to amend the Purpose, subsections (1)(D) and (1)(E) and delete subsection (1)(F).

*PURPOSE:* This amendment makes changes with reference to the title of the board and deletes the reexamination fee for Landscape Architects; deletes the word "Land" from subsections (1)(D) and (1)(E) to reflect the correct names of the examinations.

*PURPOSE:* This rule sets reexamination fees for [architects,] professional engineers, engineers-in-training, land surveyors-in-training and professional land surveyors.

- (1) The following reexamination/rescheduling application filing fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:
- |  |        |
|--|--------|
| (D) Principles and Practice of [Land] Surveying                    | \$ 50  |
| (E) Land Surveyor-in-Training and Fundamentals of [Land] Surveying | \$ 50  |
| [(F) Landscape Architect   | \$ 50] |

*AUTHORITY:* section 327.041, RSMo Supp. [2003] 2004. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, [and] Professional Land Surveyors, and  
Landscape Architects  
Chapter 7—Nonresidents**

**PROPOSED AMENDMENT**

**4 CSR 30-7.010 Nonresidents.** The board is proposing to amend the Purpose and section (1).

*PURPOSE:* This amendment makes changes with reference to the title of the board and adds the word "professional" in front of land surveyor, and to change the words "registered" and "registration" to "licensed" and "licensure."

*PURPOSE:* This rule requires a nonresident who is not [registered] licensed in his/her state of residence, to submit an explanation of his/her lack of [registration] licensure in his/her state of residence.

(1) An applicant for [registration] licensure as an architect, professional engineer, [or] professional land surveyor or landscape architect who is a nonresident of this state shall not be denied [registration] licensure in this state solely for the reason s/he is not [registered] licensed in the state of his/her residence. Before any such nonresident shall be [registered] licensed in this state, s/he shall submit to the board a satisfactory explanation of his/her lack of [registration] licensure in the state of his/her residence.

*AUTHORITY:* section 327.041, RSMo [1986] Supp. 2004. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, Professional Land Surveyors, and  
Landscape Architects  
Chapter 11—Renewals**

**PROPOSED AMENDMENT**

**4 CSR 30-11.010 Renewal Period.** The board is proposing to amend the Purpose and sections (1) and (2), delete sections (3) and (4), renumber the remaining sections accordingly, and amend the newly renumbered section (5).

*PURPOSE:* This amendment makes changes with reference to the title of the board and adds the word "professional" in front of land surveyor and deletes reference to the licenses scheduled for renewal in December 2002 since that date has already expired.

*PURPOSE:* This rule establishes the licensing period for the Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects and establishes the information required to keep the records of the board current.

(1) [Effective January 1, 2002 t]The license issued to every architect, professional engineer, professional land surveyor and landscape architect in Missouri shall[, except as set forth in subsections (1)(A), (1)(B), (1)(C) and (1)(D) of this rule,] be renewed biennially. Licenses originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Licenses originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

[(A) Architect, professional engineer and professional land

surveyor licenses originally issued in an odd numbered year and currently scheduled for renewal in December 2002 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(B) Architect, professional engineer and professional land surveyor licenses originally issued in an even numbered year and currently scheduled for renewal in December 2003 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(C) Landscape architect licenses originally issued in an odd numbered year and currently scheduled for renewal in October 2003 shall be renewed for two (2) years and two (2) months only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(D) Landscape architect licenses originally issued in an even numbered year and currently scheduled for renewal in October 2003 shall be renewed for one (1) year and two (2) months only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(E) The fee for renewal of a license under subsections (1)(A), (1)(B), (1)(C) and (1)(D) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.]

(2) [Effective January 1, 2002 t/The certificates of authority issued to corporations authorized to offer architectural, engineering, [and] land surveying and landscape architectural services in Missouri shall, except as set forth in subsections (2)(A), (2)(B), (2)(C), and (2)(D) of this rule,] be renewed biennially. Certificates of authority originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

[(A) Architectural, professional engineering and professional land surveying certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(B) Architectural, professional engineering and professional land surveying certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2002, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(C) Architectural, professional engineering and professional land surveying certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(D) Architectural, professional engineering and professional land surveying certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2004, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(3) Certificates of authority issued to corporations offering landscape architectural services in Missouri should, except as set forth in subsections (3)(A) and (3)(B) of this rule, be renewed biennially. Certificates of authority originally issued in an odd numbered year should be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year should be renewed by December 31 each even numbered year.

(A) Landscape architectural certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in October 2003 should be renewed through December 31, 2005, whereafter they should be

renewed biennially as set forth in section (3) of this rule.

(B) Landscape architectural certificates of authority originally issued in an even numbered year and currently scheduled for renewal in October 2003 should be renewed through December 31, 2004, whereafter they should be renewed biennially as set forth in section (3) of this rule.

(4) The fee for renewal of a certificate of authority under subsections (2)(A) through (2)(D) and (3)(A) through (3)(B) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.]

[(5)] (3) Each renewal application from every architect, professional engineer, professional land surveyor and landscape architect in Missouri shall be accompanied by the following information, in addition to any other information the board may require:

(A) Name; and

(B) Address.; and

(C) Place of employment.]

[(6)](4) Each person holding a license and each corporation holding a certificate of authority to practice architecture, professional engineering, professional land surveying and landscape architecture in Missouri shall file, in writing, their proper and current mailing address of record with the board at its office in Jefferson City and immediately notify the board, in writing, at its office of any changes of mailing address, giving both the old and the new addresses.

[(7)] (5) Failure to receive an application for renewal of a license or certificate of authority shall not relieve the licensee or certificate holder from their duty to timely renew, nor shall it relieve them from the obligation to pay any additional fee(s) necessitated by any late renewal.

*AUTHORITY: sections 327.011, 327.041 and 327.621, RSMo Supp. [2001] 2004 and 327.171, 327.261 and 327.351, RSMo 2000. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. For intervening history please consult the Code of State Regulations. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 13—Supervision**

#### **PROPOSED AMENDMENT**

**4 CSR 30-13.010 Immediate Personal Supervision.** The board is proposing to amend the Purpose and sections (1)–(4).

**PURPOSE:** This amendment makes changes with reference to the title of the board, makes grammatical corrections to the text of the rule, and replaces the word "plan/s" with "drawing."

**PURPOSE:** This rule defines what shall be considered immediate personal supervision for architects, [and] professional engineers and landscape architects.

(1) [Plans, s/]Specifications, drawings, reports, engineering surveys or other documents will be deemed to have been prepared under the immediate personal supervision of an individual licensed with the board only when the following circumstances exist:

(A) The client requesting preparation of [plans,] specifications, drawings, reports, engineering surveys or other documents makes the request directly to the individual licensed with the board or an employee of the individual licensed with the board so long as the employee works in the licensed individual's place of business and not a separate location;

(B) The individual licensed with the board shall supervise each step of the preparation of the [plans,] specifications, drawings, reports, engineering surveys or other documents and has input into their preparation prior to their completion;

(C) The individual licensed with the board reviews the final [plans,] specifications, drawings, reports, engineering surveys or other documents and is able to, and does make, necessary and appropriate changes to them; and

(D) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design [plan] **drawing**, or the work is a design [plan] **drawing** signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

(2) The [plans,] specifications, drawings, reports, engineering surveys or other documents shall be signed and sealed per the provisions of section 327.411, RSMo.

(3) The individual licensed with the board shall supervise each step of the preparation of the [plans,] specifications, drawings, reports, **engineering** surveys or other documents and has input into their preparation prior to their completion.

(4) The individual licensed with the board reviews the final [plans,] specifications, drawings, reports, **engineering** surveys or other documents and is able to, and does make, necessary and appropriate changes to them.

**AUTHORITY:** section 327.041, RSMo Supp. [2001] **2004**. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 16, 1988, effective Feb. 24, 1989. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

#### Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 13—Supervision

#### PROPOSED AMENDMENT

**4 CSR 30-13.020 Immediate Personal Supervision for Professional Land Surveyors.** The board is proposing to amend the title, Purpose, and sections (1) and (2).

**PURPOSE:** This amendment makes changes with reference to the title of the board and adds the word "professional" in front of land surveyor and corrects a typographical error in subsection (1)(A) to change the word "registered" to "licensed."

**PURPOSE:** The board shall define what shall be considered immediate personal supervision for **professional** land surveyors.

(1) Plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys or other documents will be deemed to have been prepared under the immediate personal supervision of a **professional** land surveyor [registered] **licensed** with the board only when—

(A) The client requesting preparation of [plates] **plats**, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys or other documents makes the request directly to the **professional** land surveyor [registered] **licensed** with the board or an employee of the **professional** land surveyor [registered] **licensed** with the board, so long as the employee works in the [registered] **licensed** individual's place of business and not at a separate location;

(B) The **professional** land surveyor [registered] **licensed** with the board shall supervise each step of the preparation of the plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys or other documents and has input into their preparation prior to their completion; and

(C) The **professional** land surveyor [registered] **licensed** with the board reviews the final plats, maps, preliminary subdivision plans, drawings, reports, descriptions, surveys or other documents and makes necessary and appropriate changes to them.

(2) During a land survey the **professional** land surveyor [registered] **licensed** with the board shall [—]:

**AUTHORITY:** section 327.041, RSMo Supp. [1988] **2004**. Original rule filed Dec. 16, 1988, effective Feb. 24, 1989. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at [moapels@pr.mo.gov](mailto:moapels@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, [and] Professional Land Surveyors, and  
Landscape Architects**

**Chapter 14—Definitions**

**PROPOSED AMENDMENT**

**4 CSR 30-14.020 Definition of Baccalaureate Degree From Approved Curriculum as Used in Section 327.312.1(1), RSMo.** The board is proposing to correct the title of the board as used in Division 30.

*PURPOSE:* This amendment makes changes with reference to the title of the board.

*AUTHORITY:* section 327.041, RSMo [1986] Supp. 2004 and 327.312, RSMo 2000. Original rule filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at [moapels@pr.mo.gov](mailto:moapels@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, [and] Professional Land Surveyors, and  
Landscape Architects**

**Chapter 17—United States Public Land Survey Corners**

**PROPOSED AMENDMENT**

**4 CSR 30-17.010 Definitions.** The board is proposing to correct the title of the board as used in Division 30.

*PURPOSE:* This amendment makes changes with reference to the title of the board.

*AUTHORITY:* section 327.041, RSMo Supp. [1993] 2004. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at [moapels@pr.mo.gov](mailto:moapels@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, [and] Professional Land Surveyors, and  
Landscape Architects**

**Chapter 18—First and Second Order Horizontal and  
Vertical Control**

**PROPOSED AMENDMENT**

**4 CSR 30-18.010 Definitions.** The board is proposing to correct the title of the board as used in Division 30.

*PURPOSE:* This amendment makes changes with reference to the title of the board.

*AUTHORITY:* section 327.041, RSMo [1993] Supp. 2004. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at [moapels@pr.mo.gov](mailto:moapels@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional  
Engineers, [and] Professional Land Surveyors, and  
Landscape Architects**

**Chapter 19—Standards for Surveyor's Real Property  
Report**

**PROPOSED AMENDMENT**

**4 CSR 30-19.010 Surveyor's Real Property Report.** The board is proposing to correct the title of the board as used in Division 30.

*PURPOSE: This amendment makes changes with reference to the title of the board.*

*AUTHORITY: section 327.041, RSMo Supp. [1993] 2004. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects Chapter 20—Mapping Survey Standards**

#### **PROPOSED AMENDMENT**

**4 CSR 30-20.010 Definitions.** The board is proposing to correct the title of the board as used in Division 30.

*PURPOSE: This amendment makes changes with reference to the title of the board.*

*AUTHORITY: section 327.041, RSMo Supp. [1993] 2004. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies and political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 205—Missouri Board of Occupational Therapy Chapter 5—Continuing Competency Requirements**

#### **PROPOSED AMENDMENT**

**4 CSR 205-5.010 Continuing Competency Requirements.** The board is proposing to delete section (4), renumber the remaining sections accordingly, and amend the newly renumbered sections (4) and (6).

*PURPOSE: This rule details the continuing competency requirements of a licensee to practice as an occupational therapist or an occupational therapy assistant.*

*[(4) A licensee may carry forward six (6) CCCs if the credits were earned in the last year of the previous renewal cycle and are in excess of twenty-four (24) continuing competency credits.]*

*[(5)] (4) A licensee who is or becomes licensed during a renewal cycle shall be required to obtain CCCs at the rate computed by the following formula:*

(A) Formula: Number of months licensed during the renewal cycle divided by the total number of months in the reporting cycle then multiplied by the number of CCCs required for renewal during the reporting cycle resulting in a total number of CCCs required to complete for renewal this reporting cycle. When applicable, this total will then be rounded to the nearest whole number by applying the following rounding rule: round down to the nearest whole number if the digit to the right of the decimal is four (4) or less, round up to the nearest whole number if five (5) or more. Example: An occupational therapist becomes licensed ~~[/November/]~~ **September** 1, 2004, the reporting cycle is twenty-four (24) months, ending June 30, 2005, and the annual requirement is—twelve (12) hours per year.

$10 \text{ months} \div 24 \text{ months} \times 24 = 9.9$  or round up to ten (10) hours, (Licensee must have completed ten (10) CCCs to renew.)

*[(6)] (5) Conversion of Continuing Education Units (CEU) to Continuing Competency Credits (CCC):*

(A) One (1) CEU equals ten (10) Continuing Competency Credits;  
(B) One (1) contact hour equals one (1) Continuing Competency Credit;

(C) Fifty (50) Minutes equals one (1) Continuing Competency Credit;

(D) One (1) Academic Credit Hour equals ten (10) Continuing Competency Credits.

*[(7)] (6) Acceptable types of continuing competency activities, corresponding degree of continuing competency credit and the required documentation are as follows:*

Continuing Competency Activity	Minimum Continuing Competency Credit	Maximum Continuing Competency Credits	Audit Documentation
Making presentations for local Organizations/associations/groups on OT related topics (e.g. energy conservation, back care and prevention of injury)	1 Hour equals 1 CCC	12 CCC	Date and location of presentation, copy of presentation or program listing; contact person for organization
Attending workshops, seminars, lectures, <b>on-line courses</b> , professional conferences accepted by the certifying entity approved by the division	1 Hour equals 1 CCC	24 CCC	CEU, contact hours, certificates of attendance, letter from sponsor
Attending employer -provided continuing education	1 Hour equals 1 CCC	24 CCC	Attendance records, certificates
Completing requirements for specialty certification (e.g. CHT)	10 CCC	24 CCC	Award of certification one year prior to and/or within the renewal cycle
Making professional presentations at state or national workshops, seminars, and conferences	1 Hour equals 2 CCC	24 CCC	Copy of presentation, or program listing
Publication of article in non-peer-reviewed publication (e.g. OT Practice, SIS Quarterly, Advance, etc.)	1 Article equals 5 CCC	24 CCC	Copy of publication
Publication of chapter(s) in occupational or related professional textbook	1 Chapter equals 10 CCC	24 CCC	Copy of text, letter from editor
Publication of article in peer-reviewed professional publication (e.g. journals, book chapter, research paper)	1 Article equals 10 CCC	24 CCC	Copy of text, letter from editor
Mentoring a colleague to improve the skills of the protégé (Mentor)	20 Hours equals 3 CCC	12 CCC	Goals and objectives, analysis of mentee performance
Reflective occupational therapy practice in collaboration with an advanced colleague to improve one's skill level	20 Hours equals 3 CCC	12 CCC	Mentor verification of skills, evaluation of Mentor and experience analysis of learning
Guest lecturer, teaching OT related academic course per semester (must not be one's primary role)	1 Credit Hour equals 3 CCC	24 CCC	Syllabus of course, course outline Verification letter from Dept. Chair
Reading a peer-reviewed, role-related professional articles, and writing a report describing the implications for improving skills in one's specific role	1 article equals .5 CCC	12 CCC	Annotated bibliography and analysis of how articles impacted improving skills in one's role
Providing professional in-service training and/or instruction for occupational therapists, occupational therapy assistants, and related professionals	1 Hour equals 1 CCC	12 CCC	Attendance records goals and objectives of in-service training Verification letter from supervisor
Volunteer services to organizations, populations, individuals, that advance the reliance on the use of one's OT skills and experiences	10 Hours equals 2 CCC	12 CCC	Verification letter from organization Report describing outcomes of volunteer service provided
Level II fieldwork day to day direct supervision OT or OTA	2 CCC per rotation (8-12 weeks)	24 CCC	Documentation required, name of student(s), letter of verification from school, dates of fieldwork
Successful completion of formal academic coursework	1 Credit Hour equals 10 CCC	24 CCC	Official transcript from accredited college
Professional study group, minimum of 3 participants	3 Hours equals 1 CCC	24 CCC	Group attendance records; study group goals, analysis of goal attainment and learning
Extensive scholarly research activities, or extensive outcome studies	10 CCC	24 CCC	Grant funding number, abstract/executive summary and/or copies of the completed research/studies
Independent learning/study, such as CE articles, video, audio <i>l</i> , and/or <i>online courses</i>	1 Hour equals 1 CCC	12 CCC	CEU's, contact hours
Outcomes of Self -Assessment and Professional Development Plan	2 CCC for Self-Assessment and Professional Dev. Plan	2 CCC	Acceptable documents include the completed NBCOT Self -Assessment and Professional Development Plan describing how goals were met and impacted competence/skills
External self-study series	10 CCC	24 CCC	Certificate of completion

[(8)] (7) Workshops, seminars, lectures and professional conferences accepted by the certifying entity approved by the division shall automatically be accepted for license renewal.

[(9)] (8) Audit of Continuing Competency Activities.

(A) A licensee is subject to an audit of the continuing competency activity documentation after the time of license renewal.

(B) The board may audit continuing competency activities as time and resources permit.

(C) Upon request the licensee shall submit to the board for review the continuing competency credit documentation verifying successful completion of continuing competency requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries.

(D) Failure to submit requested information to the board by the date requested or submission of inadequate or falsified records may result in disciplinary action.

*AUTHORITY: sections 324.065 and 324.080, RSMo 2000 and 324.086, RSMo Supp. [2001] 2004. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 13, 2002, effective April 30, 2003. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Vanessa Beauchamp, Executive Director, State Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 232—Missouri State Committee of Interpreters Chapter 3—Ethical Rules of Conduct

#### PROPOSED AMENDMENT

**4 CSR 232-3.010 General Principles.** The committee is proposing to amend sections (2), (5), (8), (16), and (20).

*PURPOSE: The purpose of the amendment to this rule is to provide clarification in regard to certification (national and/or state) and to change references to statute that should really refer back to the appropriate section of the rule.*

(2) [An interpreter must maintain a current certification with the Missouri Commission for the Deaf and Hard of Hearing as defined by section 209.285(3), RSMo.] An interpreter must maintain a current certification. For the purposes of this rule, certification is defined as National Registry of Interpreters for the Deaf (NRID) certificates, which include Comprehensive Skills Certificate (CSC), Certificates of Interpreting/Certificate of Transliteration (CI/CT) and Certified Deaf Interpreter (CDI); National Association of the Deaf (NAD) certificate levels 3, 4, and 5; and Missouri Interpreter Certification System.

(5) An interpreter shall not accept or continue an assignment if the interpreter does not possess the ability, education, training, experi-

ence, and qualifications as defined in [section 209.285(3), RSMo] 4 CSR 232-3.010(2).

(8) An interpreter shall not misrepresent her/his licensure, ability, education, training, educational credentials, or certification as defined in [section 209.285(3), RSMo] 4 CSR 232-3.010 (2).

(16) An interpreter shall not delegate an assignment to a person who is not qualified or does not possess the appropriate certification, as defined in [section 209.285(3), RSMo] 4 CSR 232-3.010 (2), for the service to be provided.

(20) An interpreter shall not practice interpreting as defined in section 209.285[(3)] (20), RSMo upon the lapse, expiration, suspension, or revocation of a certification.

*AUTHORITY: sections 209.328.1, RSMo 2000 and 209.285 and 209.334, RSMo Supp. [2003] 2004. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interp@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 270—Missouri Veterinary Medical Board Chapter 1—General Rules

#### PROPOSED AMENDMENT

**4 CSR 270-1.031 Application Procedures.** The board is proposing to amend subsection (3)(C).

*PURPOSE: This rule is being amended to allow applicants who graduated from an accredited school or college of veterinary medicine and who are seeking provisional licensure, to submit a true and accurate copy of the applicant's diploma or a certified letter from the dean, in lieu of a final transcript to obtain a provisional license only.*

(3) The following documents must be on file for an application to be considered complete:

(C) Proof of acceptable educational credentials as evidenced by an official transcript sent directly to the board by the school; and]. However, if the applicant is a doctor of veterinary medicine seeking provisional licensure, a true and accurate copy of the applicant's diploma or a certified letter from the dean of the accredited school or college of veterinary medicine from which the applicant graduated will be acceptable proof of educational credentials of said applicant for provisional licensure only.

*AUTHORITY: sections 340.210, 340.228 and 340.300, RSMo 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended:*

*Filed June 7, 1995, effective Dec. 30, 1995. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Amended: Filed Dec. 1, 2005.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via e-mail at [vets@pr.mo.gov](mailto:vets@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 270—Missouri Veterinary Medical Board  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 270-1.050 Renewal Procedures.** The board is proposing to amend subsections (1)(A) and (1)(C).

**PURPOSE:** 4 CSR 270.1050(1)(A) defines an inactive veterinarian and inactive veterinary technician as a currently licensed veterinarian or registered veterinary technician who has signed an affidavit that s/he is not practicing in any aspect, administrative or otherwise of veterinary medicine in Missouri as defined in section 340.200(24). Section 340.200(24) is incorrectly referenced and is the definition of "Veterinary Candidacy Program." Therefore, the citation needs to be corrected to reflect subsection 28, the definition of "Veterinary Medicine". The subsection also needs to be corrected in the definition of "Retired Veterinarian or Veterinary Technician", as well as, remove the language "or involved in any aspect, administrative or otherwise, of".

**(1) Definitions:**

(A) "Inactive veterinarian or inactive veterinary technician" is defined as a currently licensed veterinarian or registered veterinary technician who has signed an affidavit that s/he is not practicing or involved in any aspect, administrative or otherwise, of veterinary medicine in Missouri as defined in section 340.200[(24)](28), RSMo;

(C) "Retired veterinarian or veterinary technician" is defined as a veterinarian or veterinary technician who has signed an affidavit that s/he is not practicing [or involved in any aspect, administrative or otherwise, of] veterinary medicine as defined in section 340.200[(24)](28), RSMo.

**AUTHORITY:** sections 340.210 340.258, 340.314, 340.322, 340.324 and 340.326, RSMo 2000 and sections 340.262, 340.312 and 340.320, RSMo Supp. 2004. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Rescinded and readopted: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via e-mail at [vets@pr.mo.gov](mailto:vets@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 270—Missouri Veterinary Medical Board  
Chapter 4—Minimum Standards**

**PROPOSED AMENDMENT**

**4 CSR 270-4.011 Minimum Standards for Veterinary Facilities.** The board is proposing to amend subsections (2)(B), (2)(D) and (4)(B).

**PURPOSE:** This amendment requires veterinary hospitals or clinics and satellite or out-patient clinics to have hot and cold running water as a minimum requirement. This amendment also requires veterinary facilities that provide radiological services through other commercial facilities, to obtain a written agreement for this service.

**(2) Veterinary Hospitals or Clinics.**

**(B) Interior.**

1. Indoor lighting for halls, wards, reception areas, examining and surgical rooms shall be adequate for the intended purpose. All surgical rooms shall be provided with emergency lighting.

**2. Hot and cold running water.**

[2.] 3. A reception area and office, or a combination of the two (2).

[3.] 4. An examination room separate from other areas of the facility and of sufficient size to accommodate the doctor, assistant, patient and client.

[4.] 5. A designated surgery room(s) not accessible to the general public.

[5.] 6. Facility permit conspicuously displayed.

[6.] 7. Veterinary license and veterinary technician registration conspicuously displayed.

**(D) Practice Management.**

1. Veterinary facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This is to include the proper routine disposal of waste materials and proper sterilization or sanitation of all equipment used in diagnosis or treatment.

2. Fire precautions shall meet the requirements of local and state fire prevention codes.

3. The temperature and ventilation of the facility shall be maintained so as to assure the reasonable comfort of all patients.

4. The veterinary facility must have the capacity to render adequate diagnostic radiological services, either in the hospital or clinic or through other commercial facilities. **If radiological services are provided through other commercial facilities, a written agreement to provide these services must exist.** Radiological procedures shall be in accordance with federal and state public health standards.

5. Laboratory and pharmaceutical facilities must be available either in the hospital or clinic or through commercial facilities.

6. Sanitary methods for the disposal of deceased animals shall be provided and maintained. Where the owner of a deceased animal has not given the veterinarian authorization to dispose of his/her animal, the veterinarian shall be required to comply with section 340.288, RSMo.

**(4) Satellite or Out-Patient Clinic.**

**(B) At a minimum, these clinics shall have—**

1. Hot and cold **running** water;

2. A one hundred ten (110) volt power source for diagnostic equipment;
3. A collection tank for disposal of waste material;
4. Adequate lighting;
5. Table tops and counter tops, such as formica or stainless steel, which can be cleaned and disinfected;
6. Floor coverings which can be cleaned and disinfected;
7. Adequate heating, cooling and ventilation;
8. All necessary equipment compatible with the services rendered; and
9. Separate compartments when it is necessary to hold animals.

*AUTHORITY: sections 340.210, [RSMo Cum. Supp. 1993,] 340.224 and 340.264, RSMo [Cum. Supp. 1992] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment is estimated to cost private entities an estimated four thousand two hundred dollars (\$4,200) during the first year of implementation of the rule. The board does not anticipate any ongoing cost associated with the proposed amendment. It is assumed that facilities applying for initial licensure will be applying for board approval in facilities that are already equipped with hot and cold running water as established in the board's minimum standards requirements.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via e-mail at [vets@pr.mo.gov](mailto:vets@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 70 - Missouri Veterinary Medical Board****Chapter 4 - Minimum Standards****Proposed Rule - 4 CSR 270-4.011 Minimum Standards**

Prepared November 16, 2005 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT****Annual Cost to Comply Beginning in FY04**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities during the first year of implementation of the rule:
2	Veterinary Facilities (installation of running water - \$2100)	\$4,200.00
<b>Estimated Cost of Compliance During the first year of implementation</b>		<b>\$4,200.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board contacted 3 contractors located in the central Missouri region to obtain estimates for installation of hot and cold running water. The board received estimates ranging from \$1200 - \$3000. For the purpose of this fiscal note, the board is using an average cost of \$2100 for veterinary facilities to have hot and cold running water installed.
2. The total cost is anticipated during the first year of implementation of the rule. The board does not anticipate any ongoing cost associated with the proposed amendment. It is assumed that facilities applying for initial licensure will be applying for board approval in facilities that are already equipped with hot and cold running water as established in the board's minimum standards requirements.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 270—Missouri Veterinary Medical Board  
Chapter 4—Minimum Standards**

**PROPOSED AMENDMENT**

**4 CSR 270-4.041 Minimum Standards for Medical Records.** The board is proposing to amend section (1).

*PURPOSE: 4 CSR 270-4.041 referenced section 340.200(24), RSMo the definition of "Veterinary Candidacy Program," however, the citation referenced should be section, 340.200(28), RSMo the definition of "veterinary medicine."*

(1) Every veterinarian performing any act requiring a license pursuant to the provisions of 340.200[(24)](28), RSMo upon any animal or group of animals shall prepare a legible, written, individual (or group) animal and client record concerning the animal(s) which shall contain the requirements listed here. The medical record will provide documentation that an adequate physical examination was performed.

*AUTHORITY: sections 340.210, 340.264 and 340.284, RSMo [Supp. 1992] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Dana Hoelscher, PO Box 633, Jefferson City, MO 65102, via fax at (573) 526-3856 or via e-mail at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 4—Unemployment Insurance**

**PROPOSED RULE**

**8 CSR 10-4.190 State Unemployment Tax Act Dumping**

*PURPOSE: This rule implements federally mandated legislation regarding State Unemployment Tax Act Dumping under the Missouri Employment Security Law, section 288.110.2, RSMo.*

(1) When used in section 288.110.2, RSMo the following terms mean:

(A) "Substantially common ownership" exists if, on the date of an acquisition of the organization, trade or business of an employing unit, a shareholder, officer, or other owner of a legal or equitable interest in the predecessor employing unit, or the spouse, natural child, stepparent, stepsibling, or a person within the first or second degree of consanguinity or affinity or secondary affinity of the shareholder, officer, or other owner:

1. Is a shareholder, officer or other owner of a legal or equitable interest in the successor-employing unit; or

2. Holds an option to purchase a legal or equitable interest in the successor-employing unit.

(B) "Substantially common management or control" exists if, after the acquisition of the organization, trade or business of an employing unit, the predecessor-employing unit continues to:

1. Own or manage the entity that conducts the organization, trade or business;

2. Own or manage the assets necessary to conduct the organization, trade, or business;

3. Control through security or lease arrangements the assets necessary to conduct the organization, trade or business; or

4. Direct the internal affairs or conduct of the organization, trade or business.

*AUTHORITY: section 288.220, RSMo 2000. Emergency rule filed Nov. 22, 2005, effective Jan. 1, 2006, expires June 29, 2006. Original rule filed Nov. 22, 2005.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Employment Security, Attn: Katharine Barondeau, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 50—Workers' Compensation  
Chapter 2—Procedure**

**PROPOSED AMENDMENT**

**8 CSR 50-2.020 Administration.** The division proposes to amend sections (1), (3), (4) and (5) and adds a new section (6).

*PURPOSE: This amendment is necessary to clarify the overall acceptance and withdrawal from the provisions of the workers' compensation law, including the exception that is available to certain employees who are members of a recognized religious sect or division that is conscientiously opposed to accepting public or private insurance benefits, including benefits of any insurance system established under the Federal Social Security Act. Senate Bills 1 & 130 created a new statutory section 287.804 that deals with the religious exception and applicable requirements. This amendment will allow certain employees to follow the procedures established by the division and file the appropriate application for the exception from workers' compensation coverage. The amendment also clarifies the division's requirements that all forms submitted to the division for processing and storage should be division-approved forms that bear the official seal. The amendment also clarifies the storage of documents and explains how the parties may request records from the division.*

(1) Any employer exempted by section 287.090, RSMo, or any employer who is not covered by the provisions of Chapter 287, RSMo, because of section 287.030, RSMo, who desires to operate under the provisions of Chapter 287, RSMo, may do so by [the purchase of] purchasing a valid workers' compensation insurance policy [evidenced by the] with an insurance carrier [filing a] that is authorized to insure workers' compensation liabilities in the state of Missouri through the Missouri Department of Insurance. The

insurance carrier must file proof of workers' compensation insurance coverage [form] with the division or its designee.

(B) The division verifies proof of workers' compensation insurance coverage including non-renewals and cancellations through the National Council of Compensation Insurance (NCCI) which is the designated "advisory organization" pursuant to section 287.930, RSMo, et seq.

[(B)](C) Employers that meet the statutory exception for two (2) owner corporations set out in section 287.090.5, RSMo, may elect to withdraw from coverage under Chapter 287, RSMo, by filing an election to withdraw with the division, or its designee, on a form prescribed by the division.

(D) Upon request an exception from the provisions of the workers' compensation law may apply with respect to certain employees who are members of a recognized religious sect or division as defined in 26 U.S.C. 1402(g), by reason of which they are conscientiously opposed to accepting public or private insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical bills, including the benefits of any insurance system established under the Federal Social Security Act, 42 U.S.C. 301 to 42 U.S.C. 1397jj.

1. Any applicant requesting an exception as indicated in subsection (D) above, must simultaneously file with the division at PO Box 58, Jefferson City, MO 65102, the following forms:

A. Section 287.804 Application for Religious Exception from the provisions of the Missouri Workers' Compensation Law;

B. Employee's Affidavit and Waiver of Workers' Compensation Benefits; and

C. Employer's Affidavit of Exception from Workers' Compensation Benefits.

2. If the division grants the religious exception, the employee waives his/her rights to any benefits under the workers' compensation law.

3. An exception shall be valid until such employee rescinds the election to reject benefits under the law or the religious sect or division of which the employee is a member ceases to meet the requirements of section 287.804.1, RSMo.

(3) Transcripts for cases on appeal and other division duties performed by court reporters shall have priority over requests for transcripts in cases not on appeal. All requests must be sent in writing to the division's Jefferson City office. Requests for transcripts not on appeal will be prepared by the court reporter that recorded the hearing after all other duties are performed. Requests for parts of transcripts already prepared will not be accepted and in such cases the entire transcript must be purchased [at the rate set out in this section].

(4) All requests for copies of documents or other records must be in writing. The following standards will be used to determine if documents can be produced.

(A) The Claim for Compensation, Answer to Claim for Compensation, Compromise Settlement, Award and Minute Sheet forms may only be obtained by written request. These documents are considered open records.

(B) The Report of Injury and subsequent medical reports are considered closed records pursuant to section 287.380.4,3, RSMo. To obtain closed records the requesting person must be a party to the workers' compensation case or an attorney who has filed an entry of appearance representing a party. The requesting person may receive copies of records of prior cases in which the requesting person was also a party to the prior case.

(D) Other documents and information may be obtained by a written request. Each request will be evaluated to determine if any requested documents or information are confidential. [The division will supply information for all nonconfidential requests.]

(E) Documents and other records as legally required will be provided in response to a Subpoena Duces Tecum or Release of Information form signed by the employee. The Release of Information form signed by the employee must be directed specifically to the Missouri Division of Workers' Compensation and specifically state which records the employee would like the division to release.

(F) The division will charge for copies of documents and any specific or general statistical information and certification of documents according to [a policy statement establishing fees for these services published by the division. The division shall review this on an annual basis.] section 287.660, RSMo, or Chapter 610, RSMo, if applicable.

(5) The following documents can be submitted for electronic [processing] storage: any form required by the division; medical reports that are relevant to the case; and correspondence and notices relevant to the case. Depositions and medical records [cannot be submitted for processing.] that the parties intend to introduce at a hearing or use at a mediation conference cannot be submitted for electronic storage. The depositions and medical records and [A]any document submitted as an exhibit at a hearing will be included in the [record] paper file and will not be electronically stored.

(A) Division forms must be submitted as an original document in the most current version. If a claim or answer to a claim is filed on an outdated form the division will process the claim or answer, but may request the filing party to submit the form in the most current version. The division reserves the right to reject forms that are not currently approved forms and/or do not reflect the division's official seal. The division may accept certain documents or correspondence other than division-approved forms by facsimiles for electronic storage based upon the criteria set forth herein. The facsimile must be clear, legible, easy to read and be capable of being electronically stored. [Other documents submitted must be the original or where the original is unavailable, a clear, legible photocopy will be accepted. Handwritten documents will only be accepted if clearly written in black ink. Facsimiles will not be accepted for electronic processing. A minimum font size of ten (10) points is required for any computer-generated form.]

(B) Any required division form for which any party creates a computer-generated form must be approved by the division before such documents may be used or filed. A minimum font size of ten (10) points is required for any computer-generated form.

(C) [The division will accept required information by electronic filing.] The division accepts the Report of Injury submitted in an approved format by electronic filing. Any party who desires to file any reports or forms or information electronically must receive approval from the division and must comply with all division standards for the electronic filing of information. To obtain approval for electronic filing, a party must contact the division and meet all current standards.

[(D) The division and the Labor and Industrial Relations Commission will accept up to and including five (5) pages by facsimile. This provision does not affect subsection (A) of this section prohibiting facsimiles of documents for electronic processing.]

[(E)](D) Any document stored electronically by the division shall be considered an original document and when reproduced in paper form shall be acceptable for all legal purposes. [All d/Documents submitted on or after January 1, 1994, for injuries occurring after that date, will be processed and stored electronically.]

[(F)](E) The division shall have the discretion after five (5) years to destroy paper copies of Reports of Injuries filed in which no compensation, exclusive of medical costs, was due or paid, together with the papers attendant to the filing of such reports. The division shall have the discretion after ten (10) years from the date of the termination of compensation to destroy records in compensable cases.

(6) The division-approved forms as referenced in these rules may be obtained from the website address <http://www.dolir.mo.gov/wc/forms/forms.htm> or by contacting the division at (573) 751-4231, or by submitting a written request to the division's Jefferson City office at PO Box 58, Jefferson City, MO 65102.

**AUTHORITY:** section 287.650, RSMo [Supp. 1997] 2000. Original rule filed Dec. 23, 1953, effective Jan. 3, 1954. Amended: Filed Jan. 15, 1960, effective Jan. 26, 1960. Amended: Filed Sept. 4, 1963, effective Sept. 15, 1963. Amended: Filed Aug. 26, 1975, effective Sept. 5, 1975. Rescinded and readopted: Filed May 29, 1998, effective Feb. 28, 1999. Emergency amendment filed Dec. 12, 2005, effective Dec. 22, 2005, expires June 19, 2006. Amended: Filed Nov. 22, 2005.

**PUBLIC COST:** This proposed amendment will not cost agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation, Attn: Patricia "Pat" Secrest, PO Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.061 Construction Permit Exemptions.** The commission proposes to amend subsection (3)(A) and section (4). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/reg/regs/regagenda.htm](http://www.dnr.mo.gov/reg/regs/regagenda.htm).

**PURPOSE:** This rule lists specific construction or modification projects that are not required to obtain permits to construct under 10 CSR 10-6.060. This proposed rulemaking relocates the record keeping requirements to section (4) of the rule and clarifies the exemption for grain handling, storage and drying facilities. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the U.S. Environmental Protection Agency comments and responses on a previous rulemaking in the January 3, 2005 *Missouri Register* and a December 17, 2004 e-mail regarding comments from the technical assistance program.

(3) General Provisions. The following construction or modifications are not required to obtain a permit under 10 CSR 10-6.060:

(A) Exempt Emission Units.

1. The following combustion equipment is exempt from 10 CSR 10-6.060 if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural gas or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units (Btus) per hour heat input;

B. Any combustion equipment with a capacity of less than one (1) million Btus per hour heat input;

C. Drying or heat treating ovens with less than ten (10) million Btus per hour capacity provided the oven does not emit pollutants other than the combustion products and the oven is fired exclusively by natural gas, liquefied petroleum gas, or any combination thereof; and

D. Any oven with a total production of yeast leavened bakery products of less than ten thousand (10,000) pounds per operating day heated either electrically or exclusively by natural gas firing with a maximum capacity of less than ten (10) million Btus per hour.

2. The following establishments, systems, equipment and operations are exempt from 10 CSR 10-6.060:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million Btus per hour heat input. Incinerators operated in conjunction with these sources are not exempt unless the incinerator operations are exempt under another section of this rule;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock markets and livestock operations, including animal feeding operations and concentrated animal feeding operations as those terms are defined by 40 CFR 122.23 and all manure storage and application systems associated with livestock markets or livestock operations, that were constructed on or before November 30, 2003. This exemption includes any change, installation, construction or reconstruction of a process, process equipment, emission unit, or air cleaning device after November 30, 2003, unless such change, installation, construction or reconstruction involves an increase in the operation's capacity to house or grow animals.

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only (used only to handle, dry or store grain produced by the owner) if/—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner;

(II) Is in commercial or noncommercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels; or

(III) *[The] Is in commercial or noncommercial use and has an* installation of additional grain storage capacity in which there is no increase in hourly grain handling capacity and *that utilizes* existing grain receiving and loadout equipment *[are utilized]*;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Any wet sand and gravel production facility that obtains its material from subterranean and subaqueous beds where the deposits of sand and gravel are consolidated granular materials resulting from natural disintegration of rock and stone and whose maximum production rate is less than five hundred (500) tons per hour. All permanent in-plant roads shall be paved and cleaned, or watered, or properly treated with dust-suppressant chemicals as necessary to achieve good engineering control of dust emissions. Only natural gas shall be used as a fuel when drying;

H. Equipment solely installed for the purpose of controlling fugitive dust;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment, including air pollution control equipment, but not including an anaerobic lagoon, that emits odors but no regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces;

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized as authorized in section 269.020.6, RSMo 2000;

P. The following miscellaneous activities:

(I) Use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction. This exemption is solely for office equipment that is not part of the manufacturing or production process at the installation;

(II) Tobacco smoking rooms and areas;

(III) Hand-held applicator equipment for hot melt adhesives with no volatile organic compound (VOC) in the adhesive formula;

(IV) Paper trimmers and binders;

(V) Blacksmith forges, drop hammers, and hydraulic presses;

(VI) Hydraulic and hydrostatic testing equipment; and

(VII) Environmental chambers, shock chambers, humidity chambers, and solar simulators provided no hazardous air pollutants are emitted by the process;

Q. The following internal combustion engines:

(I) Portable electrical generators that can be moved by hand without the assistance of any motorized or non-motorized vehicle, conveyance or device;

(II) Spark ignition or diesel fired internal combustion engines used in conjunction with pumps, compressors, pile drivers, welding, cranes, and wood chippers or internal combustion engines or gas turbines of less than two hundred fifty (250) horsepower rating; and

(III) Laboratory engines used in research, testing, or teaching;

R. The following quarries, mineral processing, and biomass facilities:

(I) Drilling or blasting activities;

(II) Concrete or aggregate product mixers or pug mills with a maximum rated capacity of less than fifteen (15) cubic yards per hour;

(III) Riprap production processes consisting only of a grizzly feeder, conveyors, and storage, not including additional hauling activities associated with riprap production;

(IV) Sources at biomass recycling, composting, landfill, publicly owned treatment works (POTW), or related facilities specializing in the operation of, but not limited to tub grinders powered by a motor with a maximum output rating of ten (10) horsepower, hoggers and shredders and similar equipment powered by a motor with a maximum output rating of twenty-five (25) horsepower, and other sources at such facilities with a total throughput less than five hundred (500) tons per year; and

(V) Land farming of soils contaminated only with petroleum fuel products where the farming beds are located a minimum of three hundred feet (300') from the property boundary;

S. The following kilns and ovens:

(I) Kilns with a firing capacity of less than ten (10) million Btus per hour used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity, or any combination thereof; and

(II) Electric ovens or kilns used exclusively for curing or heat-treating provided no hazardous air pollutants (HAPs) or VOCs are emitted;

T. The following food and agricultural equipment:

(I) Any equipment used in agricultural operations to grow crops;

(II) Equipment used exclusively to slaughter animals. This exemption does not apply to other slaughterhouse equipment such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(III) Commercial smokehouses or barbecue units in which the maximum horizontal inside cross-sectional area does not exceed twenty (20) square feet;

(IV) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices or coffee;

(V) Equipment with the potential to dry, mill, blend, grind, or package less than one thousand (1,000) pounds per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch;

(VI) Equipment with the potential to convey, transfer, clean, or separate less than one thousand (1,000) tons per year of dry food products or waste from food production operations;

(VII) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere or which have the potential to handle less than one thousand (1,000) tons per year;

(VIII) Coffee, cocoa, and nut roasters with a roasting capacity of less than fifteen (15) pounds of beans or nuts per hour, and any stoners or coolers operated with these roasters;

(IX) Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine, or other alcoholic beverages produced for human consumption;

(X) Brewing operations at facilities with the potential to produce less than three (3) million gallons of beer per year; and

(XI) Fruit sulfuring operations at facilities with the potential to produce less than ten (10) tons per year of sulfured fruits and vegetables;

U. Batch solvent recycling equipment provided the recovered solvent is used primarily on-site, the maximum heat input is less than one (1) million Btus per hour, the batch capacity is less than one hundred fifty (150) gallons, and there are no solvent vapor leaks from the equipment which exceed five hundred (500) parts per million;

V. The following surface coating and printing operations:

(I) Batch mixing of inks, coatings, or paints provided good housekeeping is practiced, spills are cleaned up as soon as possible, equipment is maintained according to manufacturer's instruction and property is kept clean. In addition, all waste inks, coating, and paints shall be disposed of properly. Prior to disposal all liquid waste shall be stored in covered container. This exemption does not apply to ink, coatings, or paint manufacturing facilities;

(II) Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network;

(III) Any surface-coating source that employs solely non-refillable handheld aerosol cans; and

(IV) Surface coating operations utilizing powder coating materials with the powder applied by an electrostatic powder spray gun or an electrostatic fluidized bed;

W. The following metal working and handling equipment:

(I) Carbon dioxide (CO<sub>2</sub>) lasers, used only on metals and other materials that do not emit a HAP or VOC in the process;

(II) Laser trimmers equipped with dust collection attachments;

(III) Equipment used for pressing or storing sawdust, wood chips, or wood shavings;

(IV) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent (1%) VOC by weight;

(V) Tumblers used for cleaning or deburring metal products without abrasive blasting;

(VI) Batch mixers with a rated capacity of fifty-five (55) gallons or less provided the process will not emit hazardous air pollutants;

(VII) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives provided the process will not emit hazardous air pollutants;

(VIII) Equipment used exclusively for the packaging of lubricants or greases;

(IX) Platen presses used for laminating provided the process will not emit hazardous air pollutants;

(X) Roll mills or calendars for rubber or plastics provided the process will not emit hazardous air pollutants;

(XI) Equipment used exclusively for the melting and applying of wax containing less than one percent (1%) VOC by weight;

(XII) Equipment used exclusively for the conveying and storing of plastic pellets; and

(XIII) Solid waste transfer stations that receive or load out less than fifty (50) tons per day of nonhazardous solid waste;

X. The following liquid storage and loading equipment:

(I) Storage tanks and vessels having a capacity of less than five hundred (500) gallons; and

(II) Tanks, vessels, and pumping equipment used exclusively for the storage and dispensing of any aqueous solution which contains less than one percent (1%) by weight of organic compounds. Tanks and vessels storing the following materials are not exempt:

(a) Sulfuric or phosphoric acid with an acid strength of more than ninety-nine percent (99.0%) by weight;

(b) Nitric acid with an acid strength of more than seventy percent (70.0%) by weight;

(c) Hydrochloric or hydrofluoric acid with an acid strength of more than thirty percent (30.0%) by weight; or

(d) More than one liquid phase, where the top phase contains more than one percent (1%) VOC by weight;

Y. The following chemical processing equipment or operations:

(I) Storage tanks, reservoirs, pumping, and handling equipment, and mixing and packaging equipment containing or processing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized; and

(II) Batch loading and unloading of solid phase catalysts;

Z. Body repair and refinishing of motorcycle, passenger car, van, light truck and heavy truck and other vehicle body parts, bodies, and cabs, provided—

(I) Good housekeeping is practiced; spills are cleaned up as soon as possible, equipment is maintained according to manufacturers' instructions, and property is kept clean. In addition, all waste coatings, solvents, and spent automotive fluids including, but not limited to, fuels, engine oil, gear oil, transmission fluid, brake fluid, antifreeze, fresh or waste fuels, and spray booth filters or water wash sludge are disposed of properly. Prior to disposal, all liquid waste shall be stored in covered containers. All solvents and cleaning materials shall be stored in closed containers;

(II) All spray coating operations shall be performed in a totally enclosed filtered spray booth or totally enclosed filtered spray area with an air intake area of less than one hundred (100) square feet. All spray areas shall be equipped with a fan which shall be operated during spraying, and the exhaust air shall either be vented through a stack to the atmosphere or the air shall be recirculated back into the shop through a carbon adsorption system. All carbon adsorption systems shall be properly maintained according to the manufacturer's operating instructions, and the carbon shall be replaced at the manufacturer's recommended intervals to minimize solvent emissions; and

(III) Spray booth, spray area, and preparation area stacks shall be located at least eighty feet (80') away from any residence, recreation area, church, school, child care facility, or medical or dental facility;

AA. Sawmills processing no more than twenty-five (25) million board feet, green lumber tally of wood per year, in which no mechanical drying of lumber is performed, in which fine particle emissions are controlled through the use of properly engineered baghouses or cyclones, and which meet all of the following provisions:

(I) The mill shall be located at least five hundred feet (500') from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the facility or the owner of the property upon which the installation is located;

(II) All sawmill residues (sawdust, shavings, chips, bark) from debarking, planing, saw areas, etc., shall be removed or con-

tained to minimize fugitive particulate emissions. Spillage of wood residues shall be cleaned up as soon as possible and contained such that dust emissions from wind erosion and/or vehicle traffic are minimized. Disposal of collected sawmill residues must be accomplished in a manner that minimizes residues becoming airborne. Disposal by means of burning is prohibited unless it is conducted in a permitted incinerator; and

(III) All open-bodied vehicles transporting sawmill residues (sawdust, shavings, chips, bark) shall be covered with a tarp to achieve maximum control of particulate emissions;

BB. Internal combustion engines and gas turbine driven compressors, electric generator sets, and water pumps, used only for portable or emergency services, provided that the maximum annual operating hours shall not exceed five hundred (500) hours. Emergency generators are exempt only if their sole function is to provide back-up power when electric power from the local utility is interrupted. This exemption only applies if the emergency generators are operated only during emergency situations and for short periods of time to perform maintenance and operational readiness testing. The emergency generator shall be equipped with a non-resettable meter;

CC. Commercial dry cleaners; and

DD. Carving, cutting, routing, turning, drilling, machining, sawing, sanding, planing, buffing, or polishing solid materials, other than materials containing any asbestos, beryllium or lead greater than one percent (1%) by weight as determined by Material Safety Data Sheets (MSDS), vendor material specifications and/or purchase order specifications, where equipment—

(I) Directs a stream of liquid at the point where material is processed;

(II) Is used only for maintenance or support activity not conducted as part of the installation's primary business activity;

(III) Is exhausted inside a building; or

(IV) Is ventilated externally to an operating cyclonic inertial separator (cyclone), baghouse, or dry media filter. Other particulate control devices such as electrostatic precipitators or scrubbers are subject to construction permitting or a permit-by-rule, unless otherwise exempted.

3. Construction or modifications are exempt from 10 CSR 10-6.060 if they meet the requirements of subparagraphs (3)(A)3.B. of this rule for each hazardous air pollutant and the requirements of subparagraph (3)(A)3.A., (3)(A)3.C. or (3)(A)3.D. of this rule for each criteria pollutant. The director may require review of construction or modifications otherwise exempt under paragraph (3)(A)3. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. At maximum design capacity the proposed construction or modification shall emit each pollutant at a rate of no more than the amount specified in Table 1.

**TABLE 1. Insignificant Emission  
Exemption Levels**

<b>Pollutant</b>	<b>Insignificance Level (lbs per hr)</b>
Particulate Matter 10 Micron (PM <sub>10</sub> ) (Emitted solely by equipment)	1.0
Sulfur Oxides (SO <sub>x</sub> )	2.75
Nitrogen Oxides (NO <sub>x</sub> )	2.75
Volatile Organic Compounds (VOCs)	2.75
Carbon Monoxide (CO)	6.88

B. At maximum design capacity, the proposed construction or modification will emit a hazardous air pollutant at a rate of no more than one-half (0.5) pound per hour, or the hazardous emission threshold as established in subsection (12)(J) of 10 CSR 10-6.060, whichever is less.

C. Actual emissions of each criteria pollutant, except lead, will be no more than eight hundred seventy-six (876) pounds per year.

D. Actual emissions of volatile organic compounds that do not contain hazardous air pollutants will be no more than four (4) tons per year.

*E. The operator shall maintain records in sufficient detail to show compliance with the exemptions in paragraph (3)(A)3. of this rule. Any noncompliance with the requirements in this paragraph constitutes a violation and is grounds for enforcement action and the exemption will no longer apply. Operators of installations found to be not in compliance with the requirements of this paragraph shall be required to apply for a construction permit under 10 CSR 10-6.060. The exemptions shall be documented as follows:*

*(I) Record keeping shall begin on the date the construction, reconstruction, modification or operation commencement and records shall be maintained to prove potential emissions are below de minimis levels and that actual emissions are below the exemption threshold levels in paragraph (3)(A)3. of this rule. Records shall be maintained using Emission Inventory Questionnaire (EIQ) methods in accordance with EIQ emission calculation hierarchy; or*

*(II) In lieu of records, the owner or operator shall demonstrate through engineering calculations that emissions are not in excess of the exemption levels established in paragraph (3)(A)3. of this rule.]*

(4) Reporting and Record Keeping. The operator shall maintain records in sufficient detail to show compliance with the exemptions in paragraph (3)(A)3. of this rule. Any noncompliance with the requirements in this paragraph constitutes a violation and is grounds for enforcement action and the exemption will no longer apply. Operators of installations found to be not in compliance with the requirements of this paragraph shall be required to apply for a construction permit under 10 CSR 10-6.060. The exemptions shall be documented as follows:

(A) Record keeping shall begin on the date the construction, reconstruction, modification or operation commencement and records shall be maintained to prove potential emissions are below *de minimis* levels and that actual emissions are below the exemption threshold levels in paragraph (3)(A)3. of this rule. Records shall be maintained using Emission Inventory Questionnaire (EIQ) methods in accordance with EIQ emission calculation hierarchy; or

(B) In lieu of records, the owner or operator shall demonstrate through engineering calculations that emissions are not in excess of the exemption levels established in paragraph (3)(A)3. of this rule.

*AUTHORITY: section 643.050, RSMo 2000. Original rule filed March 5, 2003, effective Oct. 30, 2003. Amended: Filed July 1, 2004, effective Feb. 28, 2005. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00*

*a.m., February 2, 2006. The public hearing will be held at the Elm Street Conference Center, 1738 East Elm Street, Lower Level, Roaring River Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., February 9, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.*

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 40—Land Reclamation Commission**

#### **Chapter 7—Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations**

### **PROPOSED AMENDMENT**

**10 CSR 40-7.011 Bond Requirements.** The Land Reclamation Commission is amending sections (1)–(7) of this rule and removing the forms that follow the rule from the *Code of State Regulations*.

*PURPOSE: This rule will change the bond requirements for surface coal mining operations from a bond "pool" to "full cost" bonding. This rule also clarifies what types of bonds are acceptable and establishes the specific requirements for each.*

#### **(1) Definitions.**

(C) Personal bond means an *[undertaking by the permittee to successfully complete reclamation according to commission regulations,]* indemnity agreement in a sum certain executed by the permittee as principal which is supported by negotiable certificates of deposit or irrevocable letters of credit which may be drawn upon by the *[commission]* director if reclamation is not completed or if the permit is revoked prior to completion of reclamation.

(D) Phase I bond means a performance bond conditioned on the release of *[eighty percent (80%)]* sixty percent (60%) of the bond upon the successful completion of Phase I reclamation of a permit area in accordance with the approved reclamation plan. *[, with the rest of the bond remaining in effect until Phase III liability is released.]*

#### **(2) Requirement to File a Bond.**

(A) After an application for a permit to conduct surface coal mining and reclamation operations has been approved under 10 CSR 40-6, but before the permit is issued, the applicant shall file with the director a performance bond payable to the */s/State of Missouri*. The performance bond shall be conditioned upon the faithful performance of all the requirements of the Surface Coal Mining Law, the regulatory program, the permit and the reclamation plan, and bonded liability shall continue until reclamation is completed and approved by the *[commission]* director. In the event of forfeiture, the amount remaining on the bond may be used to complete reclamation in any location in the permit area.

(B) The applicant shall file, with the approval of the director, a bond or bonds under one (1) of the following schemes to cover the bond amounts for the permit area as determined in accordance with 10 CSR 40-7.011(4):

1. A performance bond or bonds for the entire permit area;
2. A cumulative bond schedule and the performance bond required for full reclamation of the initial area to be disturbed; or
3. An incremental bond schedule and the performance bond required for the first increment in the schedule.

(3) Incremental Bonding.

(C) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the [regulatory authority] director become necessary pursuant to 10 CSR 40-7.031(3).

(4) Bond Amounts.

*[(A) Except as noted in subsection (4)(B), the amount of Phase I bonds shall be calculated at two thousand five hundred dollars (\$2,500) per every bonded acre unless the area is a coal preparation area in which Phase I bond shall be calculated at ten thousand dollars (\$10,000) per acre.*

*[(B) For mines with fewer than one thousand (1,000) bonded acres, the minimum amount of Phase I bond applied to a single permit shall be ten thousand dollars (\$10,000), or the equivalent of twenty (20) acres of bond for each acre of open pit area, whichever is greater.]*

(A) The amount of the bond required for each bonded area shall:

1. Be determined by the director;
2. Depend upon the requirements of the approved permit and reclamation plan;
3. Reflect the probable difficulty of reclamation, giving consideration to such factors as topography, geology, hydrology, and revegetation potential; and
4. Be based on, but not limited to, the estimated cost submitted by the permit applicant.

(B) The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work has to be performed by the director in the event of forfeiture, and in no case shall the total bond initially posted for the entire area under one permit be less than ten thousand dollars (\$10,000).

(5) Changing Bond Amounts.

*[(A) The Phase I bond amount listed in subsection (4)(A) of this rule may be adjusted annually by a maximum of two hundred fifty dollars (\$250) per acre, not to exceed a maximum per acre bond amount of five thousand dollars (\$5,000) per acre.*

*[(B) The Phase I bond amount listed in subsection (4)(B) of this rule for coal preparation areas may be adjusted annually by a maximum of five hundred dollars (\$500) per acre, not to exceed a maximum per acre bond amount of fifteen thousand dollars (\$15,000) per acre.*

*[(C) The changes allowed in subsection (5)(A) and (B) shall be proposed by the commission through the normal rule-making process after demonstration by the director that such action is necessary to ensure adequate bonding amounts.*

*[(D) The director shall calculate the liability to the Coal Mine Land Reclamation Fund on an annual basis and shall on the basis of the calculations determine whether to pursue rulemaking to raise the bonding amounts listed in subsections (4)(A) and (B) of this rule.*

*[(E) The calculations of the minimum Phase I reclamation bond amount for subsections (4)(A) and (B) shall depend upon the reclamation requirements of the approved permits, and shall reflect the probable difficulty of reclamation giving consideration to such factors on-site topography, geology, hydrology, and revegetation potential.]*

(A) The amount of the bond required and the terms of the acceptance of the applicant's bond shall be adjusted by the director from time-to-time as the area requiring bond coverage is increased or decreased or where the cost of future reclamation changes. The director may specify periodic times or set a schedule for reevaluating and adjusting the bond amount to fulfill this requirement.

(B) The director shall—

1. Notify the permittee and the surety, bank, savings and loan company, or third-party guarantor of any proposed adjustment to the bond amount; and

2. Provide the permittee an opportunity for an informal conference on the adjustment.

(C) A permittee may request reduction of the amount of the performance bond upon submission of evidence to the director proving that the permittee's method of operation or other circumstances reduces the estimated cost for the regulatory authority to reclaim the bonded area. Bond adjustments which involve undisturbed land or revision of the cost estimate of reclamation are not considered bond releases subject to the procedures of 10 CSR 40-7.021(3).

(D) In the event that an approved permit is revised in accordance with 10 CSR 40-6.090(4), the director shall review the bond for adequacy and, if necessary, shall require adjustment of the bond to conform to the permit as revised.

(6) Types of Bonds. The director may accept surety bonds, personal bonds and self-bonding.

(A) Surety bonds shall be subject to the following conditions:

1. The surety bond shall be submitted on a form provided by the director;

2. No bond of a surety company will be accepted unless the bond shall not be cancellable for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy or insolvency of the permittee or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by the bond, except that surety bond coverage for lands not disturbed may be canceled if the surety provides written notification and the director is in agreement. The director shall advise the surety, within thirty (30) days after receipt of a notice to cancel bond, whether the bond may be canceled on an undisturbed area;

3. A surety company's bond shall not be accepted in excess of ten percent (10%) of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant;

4. The total amount of the bonds issued by a surety on behalf of any permittee shall not exceed thirty percent (30%) of the surety company's capital surplus account as shown on a balance sheet certified by a certified public accountant;

5. The surety shall be licensed to conduct a surety business in Missouri;

6. Both the surety and the permittee shall be primarily liable for completion of [pit] reclamation, with the surety's liability being limited to the penalty amount of the bond;

7. The bond shall provide that—

A. The surety will give prompt notice to the permittee and the director of any notice received or action filed alleging the insolvency or bankruptcy of the surety or alleging any violations of regulatory requirements which could result in suspension or revocation of the surety's license to do business; and

B. In the event the surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be given immediately to the permittee and the director;

8. The bond shall provide a mechanism for a [bank or] surety company to give prompt notice to the [regulatory authority] director and the permittee of any action filed alleging the insolvency or bankruptcy of the surety company [the bank] or the permittee, or alleging any violations which would result in suspension or revocation of the surety [or bank charter or] license to do business. Upon the incapacity of a surety by reason of bankruptcy [,] or insolvency, or suspension or revocation of its license, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A) and shall promptly notify the director. The director, upon notification of the surety's bankruptcy or insolvency, or suspension or revocation of its license, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed [sixty

(60// ninety (90) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. The notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1) [(A)6.] (F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). *[Mining operations shall not resume until the director has determined that an acceptable bond has been posted.]* The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan. **Mining operations shall not resume until the director has determined that an acceptable bond has been posted;** and

9. The bond shall be forfeitable upon revocation of the underlying permit.

(B) Personal bonds secured by certificates of deposit shall be subject to the following conditions:

1. The bonds shall be submitted on a form provided by the *[commission]* director;

2. The certificate(s) shall be in the amount of the bond or in an amount greater than the bond, *subject to the limitations of paragraph (5)(B)4. of this rule,* and shall be made payable to or assigned to **the State of Missouri**, both in writing and upon the records of the bank **or savings and loan company** issuing the certificates, and shall be automatically renewable at the end of the term of the certificate. If assigned, banks **and savings and loan companies** issuing the certificate(s) waive all rights of set off or liens against the certificate(s);

3. Interest on the certificate of deposit shall be paid to the permittee;

4. No single certificate of deposit shall exceed the sum of one hundred thousand dollars (\$100,000) nor shall any permittee submit certificates of deposit aggregating more than one hundred thousand dollars (\$100,000) **or the maximum insurable amount as determined by the Federal Deposit Insurance Corporation** from a single bank **or savings and loan company**. The issuing bank or savings and loan company must be insured by *[either]* the Federal Deposit Insurance Corporation *[or the Federal Savings and Loan Insurance Corporation]*;

5. The certificate of deposit shall be kept in the custody of **the State of Missouri** until the bond is released by the *[commission]* director;

6. The bank **or savings and loan company** issuing the certificate(s) of deposit for bonding purposes shall give prompt notice to the *[commission]* director and the permittee of any insolvency or bankruptcy of the bank **or savings and loan company**;

7. The bond shall provide a mechanism for a bank *[or surety company]* **or savings and loan company** to give prompt notice to the *[regulatory authority]* director and the permittee of any action filed alleging the insolvency or bankruptcy of the *[surety company, the]* bank, **savings and loan company** or the permittee, or alleging any violations which would result in suspension or revocation of the *[surety or]* bank **or savings and loan company** charter or license to do business. Upon *[notice]* the incapacity of any bank **or savings and loan company** by reason of insolvency or bankruptcy, **or suspension or revocation of its charter or license**, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director, **upon notification of the bank's or savings and loan company's bankruptcy or insolvency, or suspension or revocation of its charter or license**, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed *[sixty (60)// ninety (90) days]*. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the

regulatory program and the law. A notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan. **Mining operations shall not resume until the director has determined that an acceptable bond has been posted;** and

8. The bond shall be forfeitable upon revocation of the underlying permit.

(C) Personal bonds secured by letters of credit shall be subject to the following conditions:

1. The bond and the letters of credit shall be submitted on forms provided by the *[commission]* director;

2. The letter of credit shall be no less than the face amount of the bond and shall be irrevocable. **A letter of credit used as security in areas requiring continuous bond coverage shall be forfeited and shall be collected by the director if not replaced by other suitable bond or letter of credit at least thirty (30) days before its expiration date;**

3. The beneficiary of the letter of credit shall be the *[director of the]* State of Missouri *[Land Reclamation Commission]*;

4. The letter of credit shall be issued by a bank *[or trust company located]* **authorized to do business** in the United States. If the issuing bank *[or trust company]* is located in another state, a bank *[or trust company]* located in Missouri must confirm the letter of credit. Confirmations shall be irrevocable and on a form provided by the director;

5. The letter of credit shall be governed by Missouri law. The Uniform Customs and Practice for Documentary Credits, fixed by the International Chamber of Commerce, shall not apply;

6. The letter of credit shall provide that the director may draw upon the credit by making a demand for payment, accompanied by his/her statement that the commission has declared the permittee's bond forfeited;

7. The issuer of a letter of credit or confirmation shall warrant that the issuance will not constitute a violation of any statute or regulation which limits the amount of loans or other credits which can be extended to any single borrower or customer or which limits the aggregate amount of liabilities which the issuer may incur at any one (1) time from issuance of letters of credit and acceptances;

8. The bank issuing the letter(s) of credit for bonding purposes shall give prompt notice to the *[commission]* director and the permittee of any insolvency or bankruptcy of the bank;

9. **The bond shall provide a mechanism for a bank to give prompt notice to the director and the permittee of any action filed alleging the insolvency or bankruptcy of the bank or the permittee, or alleging any violations which would result in suspension or revocation of the bank's charter or license to do business. Upon [notice] the incapacity of any bank by reason of insolvency or bankruptcy, or suspension or revocation of its charter or license, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director, upon notification of the bank's bankruptcy or insolvency, or suspension or revocation of its charter or license, shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed [sixty (60)// ninety (90) days]. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. A notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a**

notice of violation is not abated in accordance with the schedule, a cessation order shall be issued **requiring the immediate compliance with 10 CSR 40-3.150(4).** The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan. Mining operations shall not resume until the director has determined that an acceptable bond has been posted; and

10. The bond shall be forfeitable upon revocation of the underlying permit.

(D) Self-Bonding.

1. Definitions. For the purposes of this section only—

A. Current assets means cash or other assets or resources which are reasonably expected to be converted to cash or sold or consumed within one (1) year or within the normal operating cycle of the business;

B. Current liabilities means obligations which are reasonably expected to be paid or liquidated within one (1) year or within the normal operating cycle of the business;

C. Fixed assets means plant and equipment, but does not include land or coal in place;

D. Liabilities means obligations to transfer assets or provide services to other entities in the future as a result of past transactions;

E. Net worth means total assets minus total liabilities and is equivalent to owners' equity; *[and]*

**F. Parent corporation means a corporation which owns or controls the applicant; and**

*[F.] G.* Tangible net worth means net worth minus intangibles such as goodwill and rights to patents or royalties.

2. The *[commission]* director may accept a self-bond if the following conditions are met **by the applicant or its parent corporation guarantor:**

A. The applicant designates an agent for service of process in the state;

B. The applicant has been in continuous operation as a business entity the five (5) years **immediately** preceding the application. The *[commission]* director may accept the bond of a joint venture with fewer than five (5) years of continuous operation if each member has been in continuous operation for the five (5) years preceding the application;

C. The applicant submits financial information in sufficient detail to show one (1) of the following:

(I) The applicant has a current Moody's Investor Service or Standard and Poor's rating for its most recent bond issuance of A or higher;

(II) The applicant has a tangible net worth of at least ten (10) million dollars, a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; or

(III) The applicant's fixed assets in the United States total at least twenty (20) million dollars and the applicant has a ratio of total liabilities to net worth of two and one-half (2 1/2) times or less and a ratio of current assets to current liabilities of 1.2 times or greater; and

D. The applicant submits—

(I) Financial statements for the last complete fiscal year, accompanied by a report prepared by an independent certified public accountant, in conformity with generally accepted accounting principles, containing the accountant's audit opinion or review opinion of the financial statements with no adverse opinion; *[and]*

(II) **Unaudited** *[F.]* financial statements for completed quarters in the current fiscal year; and

(III) *[a]* Additional **unaudited** information *[that may be]* as requested by the director.

**3. Parent and Non-Parent Corporation Third-Party Guarantors.**

A. The director may accept a written guarantee for an applicant's self-bond from a parent corporation guarantor, if the guarantor meets the conditions of paragraph (6)(D)2.A. through D. as if it were the applicant. Such a written guarantee shall be

referred to as a "corporate guarantee." The terms of the corporate guarantee shall provide for the following:

(I) If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide funds to the director sufficient to complete the reclamation plan, but not to exceed the bond amount.

(II) The corporate guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant and to the director at least ninety (90) days in advance of the cancellation date, and the director accepts the cancellation.

(III) The cancellation may be accepted by the director if the applicant obtains suitable replacement bond before the cancellation date or if the lands for which the self-bond, or portion thereof, was accepted have not been disturbed.

*[3.] B.* The *[commission]* director may accept a written guarantee for an applicant's self-bond from a *[third-party]* **non-parent corporation** guarantor *[with a long-term vested interest in the surface coal mining operation,]* if the guarantor meets the conditions of subparagraphs *[(5)(D)2.] (6)(D)2.A. through D.* as if it were the applicant. The applicant must still meet the requirements of subparagraphs *[(5)] (6)(D)2.A., B. and D.* of this rule. *[Copies of documents demonstrating that interest must be submitted to the director.]* The written guarantee shall provide for the following:

*[A.] (I)* If the applicant fails to complete the reclamation plan, the guarantor shall do so or the guarantor shall be liable under the indemnity agreement to provide to the *[commission]* director funds, up to the bond amount, sufficient to complete the reclamation plan;

*[B.](II)* The **non-parent corporation** guarantee shall remain in force unless the guarantor sends notice of cancellation by certified mail to the applicant and to the director at least ninety (90) days in advance of the cancellation date and the director accepts the cancellation; and

*[C.] (III)* The cancellation may be accepted by the director only if the applicant obtains suitable replacement bond before the cancellation or if the covered lands have not been disturbed.

4. The total amount of the outstanding and proposed self-bonds for surface coal mining and reclamation operations shall not exceed twenty-five percent (25%) of the applicant's or third-party guarantor's tangible net worth in the United States, as determined by a certified public accountant.

5. For a self-bond, the guarantor shall execute an indemnity agreement according to the following:

A. The indemnity agreement shall be executed and signed by all persons and parties who are to be bound by it, including the parent and non-parent corporations, and shall bind each jointly and severally. If the applicant is a partnership, joint venture or a syndicate, the agreement shall bind the partner or party who has a beneficial interest, directly or indirectly, in the applicant;

B. Corporations applying for a self-bond, and parent and non-parent corporations guaranteeing a permittee's self-bond, shall submit an indemnity agreement signed by two (2) corporate officers who are authorized to bind the corporations. A copy of the authorization shall be provided to the director along with an affidavit certifying that the agreement is valid under all applicable federal and state laws. In addition, the guarantor shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement; and

C. Pursuant to 10 CSR 40-7.031(3), the applicant, parent and non-parent corporation shall be required to complete the approved reclamation plan for the lands in default or to pay to the *[regulatory authority]* director an amount necessary to complete the approved reclamation plan, not to exceed the bond amount. If permitted under state law, the indemnity agreement when under forfeiture shall operate as a judgement against those parties liable under the indemnity agreement.

6. Self-bonded permittees and third-party guarantors shall submit an update of the information required under subparagraphs [(5)] (6)(D)2. C. and D. within ninety (90) days after the close of their fiscal years.

7. If the financial conditions of the permittee or the third-party guarantor change so that the criteria of this section are not satisfied, the permittee shall notify the director immediately and post an alternate bond in the same amount as the self-bond.

8. Upon notification that the **financial** conditions of the permittee no longer satisfy this section, the permittee shall be deemed to be without bond coverage in violation of subsection (2)(A). The director shall issue a notice of violation against any operator who is without bond coverage. The notice shall specify a reasonable period to replace bond coverage, not to exceed sixty (60) days. During this period, the director or his/her authorized agent shall conduct weekly inspections to ensure continuing compliance with other permit requirements, the regulatory program and the law. The notice of violation, if abated within the period allowed, shall not be counted as a notice of violation for purposes of determining a pattern of willful violation under 10 CSR 40-7.031(1)(F)2. and need not be reported as a past violation in permit applications under 10 CSR 40-6.030(2) or 10 CSR 40-6.100(2). If a notice of violation is not abated in accordance with the schedule, a cessation order shall be issued requiring immediate compliance with 10 CSR 40-3.150(4). **The operator shall also immediately begin to conduct reclamation operations in accordance with the reclamation plan.** Mining operations shall not resume until the director has *[determined]* **determined** that an acceptable bond has been posted.

9. The bond shall be forfeitable upon revocation of the underlying permit.

#### (7) Replacement of Bonds.

(A) Permittees may replace existing surety or personal **or self** bonds with other surety or personal **or self** bonds, if the liability which has accrued against the permittee on the permit area is transferred to these replacement bonds.

*AUTHORITY: section 444.810, RSMo [Supp. 1999] 2000. Original rule filed Dec. 9, 1982, effective April 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 1, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 40—Land Reclamation Commission Chapter 7—Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations

#### PROPOSED AMENDMENT

**10 CSR 40-7.021 Duration and Release of Reclamation Liability.** The commission is amending sections (1) and (2) of this rule.

*PURPOSE: This rule sets forth requirements for the duration and release of reclamation liability and bonding under the "full cost"*

*bonding provisions of this chapter and removes the references to the existing bond "pool" system.*

#### (1) Period of Liability.

(A) Liability applicable to a permit shall continue until all reclamation, restoration and abatement work required of the permittee under the regulatory program and the provisions of the permit and **reclamation plan [has] have** been completed and the permit terminated by release of the permittee from any further liability in accordance with this rule.

(2) Criteria and Schedule for Release of Reclamation Liability. *[Except as described in subsection (2)(E), r]* Reclamation liability shall be released in three (3) phases.

(A) An area shall qualify for release of Phase I liability upon completion of backfilling and grading, topsoiling, drainage control and initial seeding of the disturbed area. Phase I bond shall be retained on unreclaimed temporary structures, such as roads, siltation structures, diversions and stockpiles, *[ on an acre-for-acre basis]*.

(B) An area shall qualify for release of Phase II liability when—

1. A permanent vegetative cover that meets the approved reclamation plan and is sufficient to control erosion is in place and no further augmentation of the vegetation is necessary;

2. With respect to woodlands and wildlife areas, the stocking of trees and shrubs has been established in accordance with 10 CSR 40-3.120(7) or 10 CSR 40-3.270(7);

3. The lands are not contributing suspended solids to stream flow or runoff outside the permit area in excess of the requirements of section 444.855.2(10), RSMo, 10 CSR 40-3 and 10 CSR 40-4, the regulatory program or the permit; *[and]*

4. A plan for achieving Phase III release has been approved for the area requested for release and the plan has been incorporated into the permit, *[except for the prime farmland soils in which case the soil productivity for prime farmlands shall have been returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding areas under equivalent management practices as determined from the soil survey performed pursuant to 10 CSR 40-4.030.];*

5. **For the prime farmland soils, the soil productivity for prime farmlands shall have been returned to the equivalent levels of yield as non-mined land of the same soil type in the surrounding areas under equivalent management practices as determined from the soil survey performed pursuant to 10 CSR 40-4.030; and**

6. **Where a silt dam is to be retained as a permanent impoundment pursuant to 10 CSR 40-3.040(10), the Phase II portion of the bond may be released under this subsection as long as provisions for sound future maintenance by the operator or the landowner have been made with the regulatory authority.**

(C) An area shall qualify for release of Phase III liability when—

1. Vegetation has been established in accordance with the approved reclamation plan and the standards for the success of revegetation are met;

2. **As required by 10 CSR 40-6.060(4) and 10 CSR 40-4.030, [Soil] soil productivity, with respect to prime farmlands, has been returned to the [level of yield, as required by 10 CSR 40-6.060(4) and 10 CSR 40-4.030,] equivalent [to the] levels of yield [of nonmined] as non-mined prime farmland of the same soil type [under equivalent management practices] in the surrounding area under equivalent management practices,** as determined from the soil survey performed under section 444.820.2(16), RSMo and the plan approved under 10 CSR 40-6.060(4);

3. The permittee has successfully completed all surface coal mining and reclamation operations in accordance with the approved reclamation plan so that the land is capable of supporting any post-mining land use approved pursuant to 10 CSR 40-3.130 or 10 CSR 40-3.300;

4. The permittee has achieved compliance with the requirements of the law, the regulatory program and the permit; and

5. The applicable liability period under section 444.855.2(20), RSMo and this rule has expired.

(D) Bond/s shall be released as follows:] Release.

1. Phase I bonds shall be reduced by eighty percent (80%) when Phase I liability is released, except that the total remaining bond for a single permit shall not be below the amount required by 10 CSR 40-7.011(4)(B); and

2. The remaining amount of the bonds shall be released when Phase III liability is released.]

1. Phase I—After the operator completes the backfilling, grading, topsoiling, drainage control, and initial seeding of the disturbed area in accordance with the approved reclamation plan, the director shall release sixty percent (60%) of the bond for the applicable area.

2. Phase II—After vegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, the director shall release an additional amount of bond. When determining the amount of bond to be released after successful vegetation has been established, the director shall retain that amount of bond for the vegetated area which would be sufficient to cover the cost of reestablishing vegetation if completed by a third party and for the period specified in 10 CSR 40-7.021(1)(B) for reestablishing vegetation.

3. Phase III—After the operator has completed successfully all surface coal mining and reclamation activities, the director shall release the remaining portion of the bond, but not before the expiration period specified for the period of liability in 10 CSR 40-7.021(1)(B).

(E) [All bonding liability may be released in full from undisturbed areas when further disturbances from surface mining have ceased. No bonding shall be released from undisturbed areas before Phase I liability applying to adjacent disturbed lands is released, except that the commission may approve a separate bond release from an area of undisturbed land if the area is not excessively small and can be separated from areas that have been or will be disturbed by a distinct boundary, which can be easily located in the field and which is not so irregular as to make record keeping unusually difficult.] The permit shall terminate on all areas where all bonds have been released.

**AUTHORITY:** section 444.810, RSMo [Supp. 1999] 2000. Original rule filed Dec. 9, 1982, effective April 12, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 40—Land Reclamation Commission**  
**Chapter 7—Bond and Insurance Requirements for**  
**Surface Coal Mining and Reclamation Operations**

**PROPOSED AMENDMENT**

**10 CSR 40-7.031 Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies.** The commission is amending sections (2), (3) and (4) of this rule.

**PURPOSE:** This rule clarifies, revises and sets forth requirements, criteria and procedures for permit revocation, bond forfeiture and authorization to expend reclamation fund monies pursuant to sections 444.810, 444.830, 444.885, 444.960 and 444.970, RSMo.

(2) Procedures.

(E) In lieu of the hearing provided for in subsection (2)(B) of this rule, the commission either may—

1. Enter into a consent order with the permittee to correct the underlying causes of the show-cause order if the consent agreement will not unreasonably delay reclamation [and will not result in an increase in liability to the reclamation fund]; or

2. Extend[,] the abatement period as follows if the cause of the show-cause order is a failure to abate a notice of delinquent reclamation within the time established for the abatement[, extend the abatement period as follows]:

A. The extension of the abatement period shall be set by the commission and shall not exceed one (1) year from the abatement date established pursuant to 10 CSR 40-8.030(18)(B) or (C) that the permittee did not meet;

B. An extension may only be approved if the commission finds that the failure to abate the notice of delinquent reclamation is not due to a lack of diligence by the permittee[;].

[C. The permittee shall submit a bond to compensate for the additional liability an extension represents to the Coal Mine Land Reclamation Fund. The amount of the bond shall be one hundred twenty-five percent (125%) of the amount the commission finds would be needed to complete the reclamation plan of the area to which the extension will apply; and

D. Within fifteen (15) days after a commission decision to extend the abatement period, the permittee shall furnish to the director an estimate of the cost of completing the reclamation plan of the area to which the extension will apply. The director shall review the permittee's estimate and recommend a bond amount to the commission within thirty (30) days after the decision to extend the abatement period. Within forty-five (45) days after the decision to extend the abatement period, the commission shall set the bond amount. Within thirty (30) days after the commission sets the bond amount, the permittee shall submit a bond of that amount to the director. The bond shall be submitted on a form provided by the commission and shall be conditioned upon abatement of the notice of delinquent reclamation by the date established pursuant to subparagraph (2)(E)2.A.]

(3) Bond Forfeiture.

(C) The entry of an order declaring a bond forfeited shall automatically authorize the director, [him/herself or] with the assistance of the attorney general, if necessary, to take whatever actions are necessary to collect the forfeited bond and any instruments securing the bond.

(4) [A declaration] Declaration of [p/Permit [r/Revocation. [shall authorize the commission to utilize duly appropriated reclamation fund monies as specified in 10 CSR 40-7.041(4) to ensure compliance with all applicable regulations and satisfactory completion of the reclamation plan.]

(A) For bonds forfeited before January 1, 2006, the director is authorized to utilize duly appropriated reclamation fund monies as specified in 10 CSR 40-7.041(1) to ensure compliance with all applicable regulations and satisfactory completion of the reclamation plan;

(B) For bonds forfeited on or after January 1, 2006, the director is authorized to utilize forfeited bonds to ensure compliance with all applicable regulations and satisfactory completion of the reclamation plan.

1. In the event the estimated amount forfeited is insufficient to pay for the full cost of reclamation, the operator shall be liable for remaining costs. The director may complete or authorize completion of reclamation of the bonded area and may recover from the operator all costs of reclamation in excess of the amount forfeited.

2. In the event the amount of performance bond forfeited is more than the amount necessary to complete reclamation, the unused funds shall be returned by the director to the party from whom they were collected.

*AUTHORITY:* section 444.810, RSMo [1994] 2000. Original rule filed Dec. 9, 1982, effective April 11, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 1, 2005.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 10—DEPARTMENT OF NATURAL RESOURCES**

### **Division 40—Land Reclamation Commission**

#### **Chapter 7—Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations**

### **PROPOSED AMENDMENT**

**10 CSR 40-7.041 Form and Administration of the Coal Mine Land Reclamation Fund.** The commission is deleting sections (1), (2) and (3) of this rule and amending sections (4) and (5).

*PURPOSE:* This rule sets forth requirements for administration of the Coal Mine Land Reclamation Fund pursuant to sections 444.960, 444.965 and 444.970, RSMo.

#### **[(1) Payment of Assessments.**

(A) Until enough monies have accumulated in the forty percent (40%) pool to complete all reclamation of those permits that have been revoked by the commission prior to September 1, 1988, every permittee shall pay an assessment into the Coal Mine Land Reclamation Fund, established under section 444.960, RSMo. This fund shall be administered by the commission in accordance with the provisions of this rule.

(B) After enough monies have accumulated pursuant to subsection (1)(A) of this rule, the commission may reinstate payments in accordance with subsection (1)(E), when necessary, to assure that the Coal Mine Land Reclamation Fund balance is sufficient for its purpose.

1. For permittees who file Phase I bonds before enough monies have accumulated pursuant to subsection (1)(A) of this rule, the assessment rate shall be forty-five cents (45¢) per ton of coal for the first fifty thousand (50,000) tons, and

thirty cents (30¢) per ton for the next fifty thousand (50,000) tons that are sold, shipped or otherwise disposed of by each permittee from his/her Missouri operation(s) in a calendar year or that portion of a calendar year in which assessments are in effect. Assessments shall be paid to the commission on a monthly basis and shall be due fifteen (15) days after the end of the month for which an assessment is applicable. The director shall transfer any payment to the state treasurer for deposit in the Coal Mine Land Reclamation Fund.

2. Each monthly payment shall be accompanied by a notarized statement of the tonnage of coal sold, shipped or otherwise disposed of. The director shall check the accuracy of these statements against the tonnage reported on the Quarterly Fee Statement submitted to the Division of Labor Standards. If there is discrepancy between the Quarterly Fee Statement and the corresponding three (3)-month total reported in the monthly statements, the permittee shall be considered delinquent in payment and the director shall impose a penalty and take other actions as warranted pursuant to section (3).

(C) Permittees shall continue to pay monthly assessments as per paragraph (1)(B)1. until enough monies have accumulated pursuant to subsection (1)(A) of this rule, unless, at the end of a fiscal year, the fund balance is more than seven (7) million dollars.

(D) *Compensative Assessments.* Any new permittee who files a Phase I bond and received his/her first permit on or after September 1, 1988 shall be liable for compensative assessments.

1. The compensative assessments shall be paid only after regular assessments under paragraph (1)(B)1. have ceased.

2. The compensative assessments shall be paid regardless of the fund balance.

3. The compensative assessments shall begin the month the permit is issued or when regular assessments cease, whichever is later, and shall be paid monthly at a rate equal to the rate paid for regular assessments under paragraph (1)(B)1.

4. Compensative assessments shall continue until the permittee has paid for a number of months equal to the number of months for which assessments were in effect between September 1988 and the month and year in which his/her first permit was received or until regular assessments are reinstated, whichever comes first.

#### *(E) Reinstatement Rates.*

1. Reinstated assessments will only apply to permittees who file Phase I bonds.

2. After the date when enough monies have accumulated pursuant to subsection (1)(A) of this rule, and whenever the fund balance is below seven (7) million dollars, the assessment established in subsection (1)(A) of this rule shall be reinstated at a rate of twenty-five cents (25¢) for the first fifty thousand (50,000) tons and fifteen cents (15¢) for the second fifty thousand (50,000) tons of coal sold in a calendar year. The reinstated rate shall remain in effect until the fund balance reaches seven (7) million dollars or until September 1, 1998, whichever comes first.

3. After September 1, 1998, whenever the fund balance is below two (2) million dollars, the assessment established in subsection (1)(A) of this rule shall be reinstated at a rate of thirty cents (30¢) for the first fifty thousand (50,000) tons and twenty cents (20¢) for the second fifty thousand (50,000) tons of coal sold in a calendar year. This reinstated rate shall remain in effect until the fund balance reaches three (3) million dollars, at which time the assessment will revert to the rate established in paragraph (1)(E)2. of this rule.

4. The commission shall inform permittees by certified mail of the application of a reinstated rate, the termination of a reinstated rate and the termination of assessments pursuant to subsection (1)(B).

5. Any application of a reinstated rate shall be effective on the first day of the month following that in which notice of reinstatement is given by the commission. Any termination of a reinstated rate or termination of assessments shall be effective retroactive to the first day of the month in which notice of is given by the commission.

**(2) Fund Ceiling and Reimbursements.**

(A) At the first commission meeting following the end of a fiscal year, the director shall report the balance of the Reclamation Fund to the commission. If the balance is greater than the maximum amount as stated in subsection (1)(C) or paragraph (1)(E)2. or 3. of this rule, the commission shall refund the excess to the permittees filing Phase I bonds and having valid permanent program permits at the end of the previous fiscal year, except that permittees subject to compensative payments under subsection (1)(D) of this rule shall be refunded only the amount which is in excess of what is due in compensative payments. Each permittee shall be refunded a fraction of the excess equal to the amount s/he paid into the fund under paragraph (1)(A)1., exclusive of penalties, since September 1, 1988 divided by the total amount paid into the fund, exclusive of penalties, since September 1, 1988 by all permittees who qualify for a refund.

**(3) Penalties for Delinquent Payment of Fees.** If an assessment required under section (1) is not received within forty-five (45) days after the end of a month for which the assessment is applicable, the permittee shall be considered delinquent in payment.

(A) The director shall issue a notice of violation when a permittee becomes delinquent in payment. The time set for abatement of the notice of violations shall be ten (10) days. No extension of the abatement period may be granted.

(B) In addition to penalties pursuant to 10 CSR 40-8.040, a penalty of twenty-five cents (25¢) per ton of coal sold, shipped or otherwise disposed of during the month for which payment is delinquent shall be automatically imposed. The penalty shall be due at the end of the ten (10)-day abatement period and shall be credited to the Coal Mine Land Reclamation Fund.

(C) Failure to abate the notice of violation described under subsections (3)(A) and (B) shall result in the issuance of a cessation order in accordance with 10 CSR 40-8.030(6)(B).]

**[[4]] (1) Expenditure of Reclamation Fund Monies.**

(A) After revocation of a permit and forfeiture of the associated bonds, Reclamation Fund monies shall be used by the [commission] director to complete reclamation pursuant to the approved reclamation plan[, as specified in the following] and shall be used for administrative costs to the commission resulting directly from activities necessary to complete reclamation[:].

[1.] All monies assessed for the Coal Mine Land Reclamation Fund after September 1, 1988, [shall be] are allocated so that forty percent (40%) of the assessments [shall be] are applied to the reclamation of those permits that have been revoked by the commission prior to September 1, 1988, and sixty percent (60%) of the assessments [shall be] are applied to the reclamation of those permits that have been revoked by the commission after September 1, 1988. All monies within the Coal Mine Land Reclamation Fund as of September 1, 1988, [shall be] are allocated to forfeitures which occurred before September 1, 1988. [After the date when enough monies have accumulated pursuant to subsection (1)(A) of this rule, all monies assessed to the Coal Mine Land

Reclamation Fund shall be allocated to forfeitures occurring on or after September 1, 1998.] The monies within the fund may be utilized by the [commission] director on any phase of reclamation.

(B) Proceeds from any collectable performance bonds shall be expended or committed to specific aspects of reclamation to which the bonds apply before Reclamation Fund monies are employed to complete those aspects of reclamation, except that—

1. Reclamation Fund monies may be expended by the [commission] director before proceeds from bonds are expended or committed when the expenditure will result in a net savings to the Reclamation Fund; and

2. Reclamation Fund monies shall be expended by the [commission] director before proceeds from bonds are expended or committed when expeditious work is necessary to comply with the laws, regulations, conditions of the permit or reclamation plan. This work may include, but shall not be limited to, treatment of acid mine drainage, erosion control and maintenance of water control structures.

(C) No Reclamation Fund monies may be used to correct disturbances that were caused by a person who did not have a duly approved permanent program permit.

**[[5]] (2) Reimbursement of the Reclamation Fund.**

(A) If a permittee fails to complete a reclamation plan and the completion must be made by or on behalf of the commission, the permittee or any principal of the permittee or any entity in which a principal of the permittee is a principal or any entity controlled by or under common control with the permittee shall not operate a coal mining operation in Missouri until the costs of the completion have been fully paid by the permittee to the Reclamation Fund.

(B) The amount to be repaid to the Reclamation Fund shall include the interest that the state treasurer could have earned on the monies expended if the expenditure had not been made.

(C) The commission shall pursue all legal remedies available to it to recover monies expended from the Reclamation Fund from the responsible permittee, except where the commission in its sole judgment determines that the cost of pursuing the legal remedies will be greater than the sums expected to be recovered. The cost of pursuing the legal remedies shall be charged to the Reclamation Fund.

**AUTHORITY:** section 444.810, RSMo [1994] 2000. Original rule filed Dec. 9, 1982, effective April 11, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 1, 2005.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Staff Director, Land Reclamation Program, PO Box 176, Jefferson City, MO 65102-0176. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 41—General Tax Provisions**

**PROPOSED AMENDMENT**

**12 CSR 10-41.010 Annual Adjusted Rate of Interest.** The department proposes to amend section (1).

*PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2006 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2006.*

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
<b>2006</b>	<b>7%</b>

*AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Nov. 1, 2005, terminated Dec. 21, 2005. Amended: Filed Nov. 1, 2005, withdrawn by letter on Dec. 21, 2005 as published in this issue of the **Missouri Register** (31 MoReg 39). Emergency amendment filed Dec. 21, 2005, effective Jan. 1, 2006, expires June 29, 2006. Amended: Filed Dec. 21, 2005.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in an increase in the interest rate charged on delinquent taxes.*

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in an increase in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-41.010 Annual Adjusted Rate of Interest
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
Any taxpayer with past due tax amounts.	Any taxpayer with past due tax amounts.	Because the amount of interest collected on past due amounts of taxes will be at an increased rate, the aggregate impact on private entities will be more than \$500. The future amount of past due taxes is unknown, however, the gross amount of delinquent taxes as of June 30, 2005, was \$1,211,690,044. The increased interest on that amount as a result of the proposed amendment would be \$24,233,800.88. The precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the costs to the private entity will be \$2 per year for every \$100 of tax owed.

**III. WORKSHEET**

The future amount of past due taxes is unknown. The gross amount of delinquent taxes as of June 30, 2005, was \$1,211,690,044. The 2% interest increase on that amount as a result of the proposed amendment would be \$24,233,800.88. The precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$2 per year for every \$100 of tax owed. Following is a comparison for the cost to a taxpayer with a past due amount of \$100:

	Current Rule – 5%	Proposed Amendment – 7%
Past due tax amount	\$100.00	\$100.00
Interest amount	5.00	7.00
Total Amount Due	\$105.00	\$107.00

**IV. ASSUMPTIONS**

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. Because the future amount of past due taxes is unknown, the precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$2 per year for every \$100 of tax owed.

MATT BLUNT  
GOVERNOR



TRISH VINCENT  
DIRECTOR OF REVENUE

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December 21, 2005

The Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

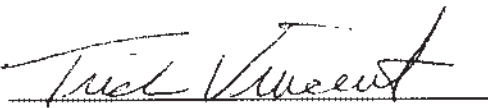
RE: Withdrawal of Proposed Amendment  
12 CSR 10-41.010 Annual Adjusted Rate of Interest

**NOTICE TO WITHDRAW PROPOSED RULEMAKING**

Please accept this as "**Notice to Withdraw**" the following proposed rulemaking filed on November 1, 2005 – 12 CSR 10-41.010 Annual Adjusted Rate of Interest (Proposed Amendment).

The department is withdrawing this proposed amendment because it incorrectly reports the rate of interest for 2006 at the 2004 rate.

If there are any questions, please contact: Vickie Wood, Missouri Department of Revenue, Post Office Box 629, Jefferson City, Missouri, 65105; phone: (573) 751-2110; E-mail: [vickie.wood@dor.mo.gov](mailto:vickie.wood@dor.mo.gov)

  
Trish Vincent

TV/vw

c: Joint Committee on Administrative Rules

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-4.110 General Prohibition; Applications is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2142). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-4.113 Ginseng is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2142-2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 4—Wildlife Code: General Provisions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-4.130 Owner May Protect Property is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.352 Resident Firearms Antlerless Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2143–2144). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.552 Nonresident Firearms Antlerless Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2144). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2144). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.405 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2144–2145). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.410 Fishing Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2145). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.415 Restricted Zones is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2145). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2145-2146). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.511 Experimental Catfish Hand Fishing Season,  
Methods, Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2146). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.515 Crappie is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2146). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2146-2147). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.605 Live Bait is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2147). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.405 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2147). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.430 Pheasants: Seasons, Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2147–2148). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.445 Bullfrogs: Seasons, Methods, Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2148). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-8.505 Trapping is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2148). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-8.510 Use of Traps is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2148–2149). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.105 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2149–2152). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.110 General Prohibition; Applications is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2153). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.220 Wildlife Confinement Standards is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2153-2154). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,  
Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.353 Privileges of Class I and Class II Wildlife  
Breeders is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2154). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,  
Permits, Standards**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-9.565 Licensed Hunting Preserve: Privileges  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2154-2155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.722 Resident Shovelnose Sturgeon Commercial  
Harvest Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2155-2156). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-10.724 Nonresident Mississippi River Shovelnose  
Sturgeon Commercial Harvest Permit is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2156-2157). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.725 Commercial Fishing: Seasons, Methods  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2158). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2158–2159). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.782 Commercial Musseling, Seasons, Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2159). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.110 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2159–2160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.125 Field Trials is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.160 is amended.**

This amendment changes hunting methods on Bull Shoals Lake and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-11.160 by removing the no boating restriction on the Theodosia Arm of Bull Shoals Lake.

**3 CSR 10-11.160 Use of Boats and Motors**

*PURPOSE: This amendment eliminates the “no boating” area restriction on Bull Shoals Lake and rennumbers subsequent paragraphs.*

(1) Boats, including sailboats, may be used on lakes and ponds designated as open to boats, except as further restricted in this chapter. Boats may not be left unattended overnight. Houseboats, and personal watercraft as defined in section 306.010, RSMo, are prohibited. Registration and a fee are required for rental of department-owned boats. Fees must be paid prior to use.

(A) Except as provided below, only electric motors are permitted on lakes and ponds of less than seventy (70) acres. Electric motors and outboard motors are permitted on lakes of seventy (70) or more acres and on certain areas in conjunction with waterfowl hunting, except as otherwise provided in paragraph (1)(A)3. of this rule. Outboard motors in excess of ten (10) horsepower must be operated at slow, no-wake speed, except as otherwise provided in paragraph (1)(A)4. of this rule.

1. On August A. Busch Memorial Conservation Area and James A. Reed Memorial Wildlife Area, only department-owned boats may be used and only electric motors are permitted.

2. On Hunnewell Lake Conservation Area, only department-owned boats may be used.

3. On Robert G. DeLaney Lake Conservation Area, only electric motors are permitted.

4. On Thomas Hill Reservoir, boating is prohibited on the main arm of the lake above Highway T from October 15 through January 15. No other restrictions in this section apply to this area.

5. On Bellefontaine Conservation Area, boats are prohibited.

6. Outboard motors of any size may be used on Overton Bottoms Conservation Area, but must be operated at slow, no-wake speed.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed November 18, 2005 effective **December 1, 2005**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.180** Hunting, General Provisions and Seasons  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2160–2161). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.200** Fishing, General Provisions and Seasons  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2161–2162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.205** Fishing, Methods and Hours **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2162–2163). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.210** Fishing, Daily and Possession Limits  
**is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2163). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.215** Fishing, Length Limits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2163–2164). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.109** Closed Hours **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2164). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for Areas  
Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.110 Use of Boats and Motors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2164–2165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for Areas  
Owned by Other Entities**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-12.145 Fishing, Length Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 20—Wildlife Code: Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-20.805 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 17, 2005 (30 MoReg 2165–2167). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.250 and 392.248, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-31.010 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1617). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 12, 2005. Written comments were also filed with the Public Service Commission addressing the proposed amendments. At the public hearing, the staff of the Public Service Commission explained the proposed amendment and made comments in support of one (1) change to the proposed amendment.

COMMENT: Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, filed written comments and testified at hearing in support of the proposed amendment to 4 CSR 240-31.010(4). She indicated that this amendment modifies the existing definition of “disabled customer” to include dependents of telecommunications customers that reside in the same household and meet the statutory definition of “disabled.” She further indicated that this amendment provides clarity between the existing rules, previous commission orders and company tariffs, all of which had different language on the treatment of dependents. The Office of the Public Counsel filed written comments concurring with the comments of the staff of the commission regarding this proposed amendment.

RESPONSE: No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

COMMENT: Natelle Dietrich of the staff of the Missouri Public Service Commission filed written comments and testified in support of the proposed amendment to 4 CSR 240-31.010(9). She indicated that this amendment adds two (2) new programs as additional means for customers to qualify for low-income assistance: the National School Lunch Program’s free lunch program and Temporary Assistance for Needy Families. She further indicated that inclusion of these programs is consistent with the Federal Communications Commission (FCC) new rules, which were an attempt to increase subscribership to the federal Lifeline program. The Office of the Public Counsel filed written comments concurring with the comments of the staff of the commission regarding this proposed amendment.

RESPONSE: No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

COMMENT: Natelle Dietrich of the staff of the Missouri Public Service Commission filed written comments and testified in support of a modification to the proposed amendment to 4 CSR 240-31.010(9). She indicated that in June 2005, an individual wrote a letter to the *St. Louis Post-Dispatch* expressing concerns that recent changes in eligibility for Medicaid would reduce the number of customers that qualify for low-income assistance in Missouri. The staff then contacted representatives of Missouri local exchange companies and was assured that customers would not lose assistance simply because of a change in eligibility requirements, although all indicated the emergency and proposed rules as published would allow such discontinuance of assistance. To remove uncertainty, Ms. Dietrich indicated that the definition of "low-income customer" should be further modified consistent with "disabled customer" to include dependents within the household as meeting the qualifications for a customer to receive low-income assistance. Staff also contacted a representative of the Department of Social Services concerning information gathered for dependents in the household when receiving support assistance. A dependent's name, address and Social Security number are noted for any individual within a household receiving assistance. The Office of the Public Counsel filed written comments concurring with the comments of the staff of the commission regarding this proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is appropriate. To address the concern expressed in the comment and to ensure that customers currently receiving low-income assistance do not lose that assistance, the commission will remove the phrase and replace it in 4 CSR 240-31.010(9).

#### 4 CSR 240-31.010 Definitions

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who participates or has a dependent residing in the customer's household who participates in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, National School Lunch Program's free lunch program, Temporary Assistance for Needy Families or Low Income Home Energy Assistance Program (LIHEAP).

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 392.248, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1617-1618). Those sections with changes are

reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 12, 2005. Written comments were also filed with the Public Service Commission addressing the proposed amendments. At the public hearing, the staff of the Public Service Commission explained the proposed amendment and two (2) other participants provided comments.

COMMENT: Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, filed written comments and testified in support of the proposed amendment. Ms. Dietrich supports the proposed amendment to section (2) to clarify that the books and records of the fund administrator are open records, but records containing company-specific information shall not be opened unless release is approved and authorized by the board. She further indicated that this amendment is consistent with commission rules, which treat certain company-specific information such as line count data as confidential upon request of the company. Robert Gryzmala, on behalf of Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, Inc., and Michael Dandino of the Office of the Public Counsel also filed written comments and testified generally in support of the proposed amendment.

RESPONSE: No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

COMMENT: Robert Gryzmala, on behalf of Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, Inc., filed written comments and testified regarding a proposed change to the amendment to section (2). SBC Missouri proposed having the commission, not the Missouri Universal Service Board, make a determination regarding release of records containing company-specific information. SBC Missouri indicated that the legislature could have specifically identified this responsibility, but it did not. Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, testified that since the records at issue are in the possession of the board or the board's administrator, they are the property of the board to release. Michael F. Dandino of the Office of the Public Counsel testified that it is reasonable for the board to determine the issue of confidentiality, and that an aggrieved party can appeal the board's decision to the commission.

RESPONSE: The commission will not modify the proposed amendment to place the decision on whether information held by the Missouri Universal Service Board should be released directly in the commission's hands. The records are in the possession of the board or its administrator, and the board is in the best position to conduct an initial review of the confidential nature of the information at issue. Moreover, a party that disagrees with a determination by the board has the opportunity to appeal that decision to the commission.

COMMENT: Robert Gryzmala, on behalf of SBC Missouri also proposed that a company whose information is subject to release should be provided an opportunity to be heard and/or object prior to any decision authorizing the release of records containing such information. Ms. Dietrich on behalf of the staff of the Missouri Public Service Commission agreed, and proposed specific language to address this concern.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that a change to the proposed amendment is reasonable and appropriate. To eliminate the concern expressed by the commenters and to afford potentially affected entities the opportunity to participate, the commission will change section (2) to add language beginning at the end of the last sentence of that section.

#### 4 CSR 240-31.030 The Fund Administrator

(2) The Fund Administrator shall be a fiduciary with trust company powers. It shall keep the books and records relating to its administration and operation of the Missouri Universal Service Fund (MoUSF) in accordance with generally accepted accounting principles. Books and records of the Fund Administrator shall be open records in accordance with Chapter 610, RSMo 2000 and shall be audited on an annual basis by an independent auditor selected by the board. Records containing company-specific information shall not be open records unless release is approved and authorized by the board following notification to and an opportunity to object by the company. The requestor seeking release of company-specific information should submit the request to the secretary of the board, who shall provide the company with prompt notice of the request. The requestor shall be responsible for supporting its request before the board. The decision of the board shall be reviewable pursuant to the provisions of this chapter.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1618-1619). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held on September 12, 2005. Written comments were also filed with the Public Service Commission addressing the proposed amendments. At the public hearing, the staff of the Public Service Commission explained the proposed amendment and made comments in support of one (1) change to the proposed amendment and three (3) other participants provided comments in support of changes to the amendment.

**COMMENT:** Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, filed written comments and testified in support of the proposed amendment to 4 CSR 240-31.050(2)(C) and (D). She indicated that this proposed amendment incorporates federal reporting requirements for telecommunications companies providing low-income assistance. To limit the fiscal impact that would be imposed by this federal requirement, the requirements were not expanded to the disabled program since it is a Missouri-only program. However, in subsection (D), companies that purchase low income or disabled discounted wholesale or resold services are required to maintain records demonstrating compliance with all commission regulations for low-income customer or disabled customer programs. Since these companies are removed from direct commission, Missouri Universal Service Board, or administrator purview, the staff testified that this requirement is reasonable to ensure proper use of the fund.

**RESPONSE:** No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

**COMMENT:** Robert Gryzmala, on behalf of Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, filed written comments and testified in support of a modification to the proposed amendment to paragraph (2)(D)1. SBC Missouri proposed that the rule should contain an affirmative, reciprocal duty upon the reseller to provide a certification that it is complying with all commission requirements governing the low-income customer or disabled customer programs when requested by a telecommunications company. SBC Missouri supports this modification because the reseller is the entity most in control of the information required by the rule. Accordingly, SBC Missouri suggests that the commission add the language "... , and such reseller must provide a certification to the telecommunications company upon request." The commission staff and the Office of the Public Counsel commenters both stated they had no objection to this modification.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission will modify the proposed amendment and add the language SBC Missouri has proposed to paragraph (2)(D)1. The commission finds that the additional language is reasonable and appropriate, and recognizes that the reseller has possession of the information required by the telecommunications company.

**COMMENT:** Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, filed written comments and testified in support of the proposed amendments to 4 CSR 240-31.050(3)(D), (E) and (F). She indicated that the proposed amendments to section (3) largely incorporate federal requirements that telecommunications companies annually verify a customer's continued eligibility and notify a customer before terminating low-income customer or disabled customer support, allowing the customer sixty (60) days to provide evidence of continued eligibility.

**RESPONSE:** No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

**COMMENT:** Robert Gryzmala on behalf of SBC Missouri filed written comments and testified regarding a proposed modification to 4 CSR 240-31.050(3)(E). SBC Missouri requests that the reference to "compliance with federal verification requirements" should be deleted from the list of verification procedures in that subsection. SBC Missouri believed that the reference implied, incorrectly, that there is a federal requirement because the federal rules direct compliance with whatever state-determined rules may exist in states such as Missouri that have state-mandated funds. Natelle Dietrich on behalf of the staff of the commission filed written comments and testified that the federal requirement that a telecommunications company is to annually verify a customer's continued eligibility was seen as particularly burdensome and potentially costly during discussions with telecommunications company representatives. For this reason, the proposed amendment was developed to permit alternative procedures, but still complies with the requirements of the Federal Communications Commission. Ms. Dietrich testified that staff worked with telecommunications carriers to develop language that was generic enough to address all concerns. Although she indicated staff was not willing to remove the language as suggested by SBC Missouri, staff did suggest inserting the word "state" in two (2) locations and broadening the reference to federal verification requirements by removing "compliance with" and adding "processes or guidelines." Staff anticipates that these changes will allow carriers with federal procedures to incorporate those processes in Missouri while expanding the phraseology to allow for other methods of verification.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission finds that the modifications as proposed by staff are warranted. The clarification that the requirements are state, not federal, procedures and the modification to broaden the reference to federal

requirements clarifies that there are no federally-imposed verification procedures; rather, there are only procedures that are put in place to comply with federal requirements.

COMMENT: Michael Dandino, on behalf of the Office of the Public Counsel, testified that companies should file or notify the Missouri Universal Service Board or the commission of the guidelines, processes or procedures that they establish for customer verification to allow the board to review them to determine if they are overly stringent or too lax. He suggested adding this requirement to 4 CSR 240-31.050(3)(E). Robert Gryzmala on behalf of SBC Missouri testified that SBC Missouri did not recommend this requirement, in part because the Federal Communication Commission's order did not provide states with the authority to review the companies' procedures. Natelle Dietrich on behalf of the staff of the commission testified that staff had no objection to imposing this requirement, but expressed a concern with what the recipient would do with the information. She indicated that the requirement as set forth by the Federal Communications Commission was open-ended and did not appear to have a specific standard that must be met. She also indicated that companies have an incentive to maintain sufficient and adequate procedures because they also pertain to the commission's annual certification of their high cost fund eligibility. Barbara Meisenheimer testified on behalf of the Office of Public Counsel that subsection (E) provided a method of reasonable verification but that the company's procedures should be placed on file. She indicated that the Office of Public Counsel could accept an alternative process that would allow the agency the ability to review the procedures to ensure they are not burdensome on customers and do not create obstacles to participation.

RESPONSE AND EXPLANATION OF CHANGE: The commission finds that in order to ensure that the procedures to verify customer eligibility are not overly burdensome and do not create obstacles to participation, that a copy of those procedures shall be made available to the commission staff and/or the Office of Public Counsel for review within thirty (30) days of request. The commission further finds that if, upon review, the commission staff and/or the Office of Public Counsel have concerns about the sufficiency of a company's verification procedures, such concerns will be presented to the board for review.

#### **4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers**

##### **(2) Reporting Requirements.**

##### **(D) Reporting requirements for wholesale or resold services.**

1. If a telecommunications company provides low-income customer or disabled customer discounted wholesale services to a reseller, it must obtain a certification from the reseller that it is complying with all commission requirements governing the low-income customer or disabled customer programs, and such reseller must provide a certification to the telecommunications company upon request.

2. Noneligible telecommunications company resellers that purchase low-income customer or disabled customer discounted wholesale services to offer discounted services to low-income or disabled consumers must maintain records to document compliance with all commission requirements governing the low-income customer or disabled customer programs for the three (3) full preceding calendar years and provide that documentation to the commission or Fund Administrator upon request or until audited.

##### **(3) Individual Eligibility.**

(E) The telecommunications company shall, by December 31, 2005, establish state procedures to verify a customer's continued eligibility for the low-income or disabled customer program. State verification procedures may include, but are not limited to, compliance with federal verification requirements, processes or guidelines; random beneficiary surveys; periodic submission of documentation showing participation in qualifying programs; or periodic self-certification updates. A copy of these procedures shall be made available

to the commission staff and/or the Office of Public Counsel for review within thirty (30) days of request. If, upon review, the commission staff and/or the Office of Public Counsel have concerns about the sufficiency of a company's verification procedures, the commission staff and/or the Office of Public Counsel shall present those concerns to the Missouri Universal Service Board for review.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.250 and 392.248, RSMo 2000, the commission amends a rule as follows:

#### **4 CSR 240-31.060 Assessments for MoUSF Funding is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1619). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 12, 2005. Written comments were also filed with the Public Service Commission addressing the proposed amendments. In written comments and at the public hearing, the staff of the Public Service Commission explained the proposed amendment.

COMMENT: Natelle Dietrich, on behalf of the staff of the Missouri Public Service Commission, filed written comments and testified in support of the proposed amendment. Staff supports the amendment because the modifications provide clarity. References to "telecommunications companies" are being replaced with references to "applicable carriers." According to the definitions in 4 CSR 240-31.010, only the subset of telecommunications carriers that qualify as "applicable carriers" are subject to assessment and net jurisdictional revenue calculations; therefore, references to "telecommunications companies" were inaccurate. Staff further testified in support of the proposed amendment to clarify that the Missouri Universal Service Board reviews and "authorizes" the percentage assessment "to be submitted to the commission for approval." Since this is an amount to be placed on customer bills via commission rule and company tariff, the commission is the body authorized to approve the tariffed amounts. The Office of the Public Counsel filed written comments generally concurring with the comments of the staff of the commission.

RESPONSE: No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund**

#### **ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.250 and 392.248, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-31.080 Applications for MoUSF Funds is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1619-1620). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held on September 12, 2005. Written comments were also filed with the Public Service Commission addressing the proposed amendments. In written comments and at the public hearing, the staff of the Public Service Commission explained the proposed amendment.

**COMMENT:** Natelle Dietrich, on behalf of the staff of Missouri Public Service Commission, filed written comments and testified in support of the proposed changes to this rule. Staff supports the proposed amendment because it provides clarity, explicitly provides notice of the commission's expectations regarding form completion, and removes outdated cross-references. The Office of the Public Counsel filed written comments concurring with the comments of the staff of the commission.

**RESPONSE:** No changes have been made to the amendment as a result of the general comments. The commission has previously found that this amendment is necessary to carry out the purposes of sections 386.250, 392.185 and 392.248, RSMo 2000 as well as section 392.200, RSMo Supp. 2004.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 2—Traffic Regulation**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Highways and Transportation Commission under section 304.200, RSMo Supp. 2004, the commission rescinds a rule as follows:

**7 CSR 10-2.010 Overdimension and Overweight Permits  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 15, 2005 (30 MoReg 1708-1709). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received by the department.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 5—State Services to Victims Fund  
Grant Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 595.060, RSMo 2000, the director amends a rule as follows:

**11 CSR 30-5.020 Eligible Applicants is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2005 (30 MoReg 1539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 30—Office of the Director  
Chapter 5—State Services to Victims Fund  
Grant Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 595.060, RSMo 2000, the director amends a rule as follows:

**11 CSR 30-5.050 Contract Awards, Monitoring and Review  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2005 (30 MoReg 1539). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 12—Liquor Control**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, RSMo 2000 and 313.840, RSMo Supp. 2004, the commission amends a rule as follows:

**11 CSR 45-12.091 Controlled Access Liquor Cabinet Systems  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2005 (30 MoReg 1925). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 5—Advertising**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance under sections 374.045.1(2) and 376.756, RSMo 2000, the director amends a rule as follows:

**20 CSR 400-5.600** Missouri Life and Health Insurance Guaranty  
Association **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2005 (30 MoReg 1804–1807). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before January 29, 2006.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- E-mail: [Kathy.Hatfield@modot.mo.gov](mailto:Kathy.Hatfield@modot.mo.gov)
- Mail: PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery: 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions: All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket: For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4 p.m., Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2002, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application # MP051003047**

Applicant's Name & Age: Richard L. Moreland, 46  
Relevant Physical Condition: Mr. Moreland's best-corrected visual acuity is 20/20 Snellen, in his left eye. He has a prosthetic right eye and vision was lost due to trauma at age 7.  
Relevant Driving Experience: Employed by Superior Bowen Asphalt Company, Kansas City, MO from March 1994 to present and has driven straight trucks, both automatic and manual. Employed as a truck driver for various asphalt companies from 1985 to 1994. Drives personal vehicle(s) daily.  
Doctor's Opinion & Date: Following an examination in October, 2005, his Optometrist certified, "In my medical opinion, Mr. Moreland's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."  
Traffic Accidents and Violations: No accidents or violations within the past 3 years.

**Application # MP050218011**

Applicant's Name & Age: James A. Mullins, 66  
Relevant Physical Condition: Mr. Mullins best-corrected visual acuity in both eyes is 20/15 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1998.  
Relevant Driving Experience: Mr. Mullins worked for MoDOT from November 1977 to June 2004 and is now retired. He has driven straight trucks with trailers and tractor-trailer combinations both manual and automatic for 35 years. Drives personal vehicle(s) daily.  
Doctor's Opinion & Date: Following an examination in May 2005, his endocrinologist certified, "In my medical opinion, Mr. Mullin's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that

the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past 3 years.

**Application # MP050831044**

Applicant's Name & Age: Robert M. Story, 40

Relevant Physical Condition: Mr. Story is blind in his right eye and has been since birth. His best-corrected visual acuity in the left eye is 20/15 Snellen and uncorrected is 20/100.

Relevant Driving Experience: Mr. Story is a self-employed farmer and also has been employed as a Test Tech with Adecco Technical, Cedar Rapids, IA since February 1996. He drives straight trucks, truck-tractor combinations and hauls grain, hay and farm products. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2005, his optometrist certified, "In my medical opinion, Mr. Story's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past 3 years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 1, 2005

*Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.*

## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Stan Buffington DBA Buffington Brothers Heating & Cooling		110 N. Riverview  Poplar Bluff, MO 63901	10/26/05	10/26/2005-10/26/06

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND  
CLAIMANTS AGAINST  
RIVERCUT REALTY, INC.**

Rivercut Realty, Inc. was dissolved as of the 18<sup>th</sup> day of November, 2005. Any and all claims against Rivercut Realty, Inc. may be sent to Gretchen Gold, Husch & Eppenberger, LLC, 1200 Main, Suite 2300, P.O. Box 26006, Kansas City, Missouri 64105. Each such claim should include the following: the name, address and telephone number of the claimant; amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and if so, when. Any and all claims against Rivercut Realty, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST Q. MICHAEL DITMORE, M.D., P.C.**

You are hereby notified that on November 11, 2005, the dissolution of Q. Michael Ditmore, M.D., P.C., a Missouri professional corporation, was authorized pursuant to Section 351.466 of the General and Business Corporation Law of the State of Missouri and Articles of Dissolution by Voluntary Action were filed with the Missouri Secretary of State. Pursuant to Section 351.482 of the General and Business Corporation Law of the State of Missouri, any claims against Q. Michael Ditmore, M.D., P.C. should be sent by mail to Q. Michael Ditmore, M.D., 12375 West Highway EE, Rocheport, MO 65279. Each claim should include the name, address, and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date the claim arose. Any and all claims against Q. Michael Ditmore, M.D., P.C., will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this Notice.

**NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS AND  
CLAIMANTS AGAINST  
VAN LEASING, INC.**

Van Leasing, Inc. was dissolved as of the 18<sup>th</sup> day of November, 2005. Any and all claims against Van Leasing, Inc. may be sent to Gretchen Gold, Husch & Eppenberger, LLC, 1200 Main, Suite 2300, P.O. Box 26006, Kansas City, Missouri 64105. Each such claim should include the following: the name, address and telephone number of the claimant; amount of the claim; the basis of the claim; the date(s) on which the event(s) on which the claim was based occurred; and whether the corporation has been previously notified of the claim, and if so, when. Any and all claims against Van Leasing, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the date of this publication.

**NOTICE OF WINDING UP  
OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS  
AGAINST NORSTAR MORTGAGE, LLC**

Notice is hereby given that Norstar Mortgage, LLC, a Missouri limited liability company (the "Company"), is being liquidated and dissolved pursuant to the Missouri Limited Liability Company Act (the "Act"). This notice is being given pursuant to Section 347.141 of the Act.

All persons with claims against the Company should submit them in writing in accordance with this notice to: Vatterott, Shaffar & Dolan, P.C., Attn: BAJ, 2458 Old Dorsett Road, Suite 230, Maryland Heights, MO 63043.

Claims against the Company must include: (1) the claimant's name, address and phone number, (2) the amount claimed, (3) the date the claim arose, (4) the basis of the claim, and (5) documentation supporting the claim.

A claim against the Company will be barred unless a proceeding to enforce the claim is enforced within three years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY**

1. The name of the limited liability company is 3655 S. CAMPBELL, L.L.C.
2. The Articles of Organization for 3655 S. CAMPBELL, L.L.C. were filed with the Missouri Secretary of State on 10/17/97.
3. On 11-14-2005, 3655 S. CAMPBELL, L.L.C. filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against 3655 S. CAMPBELL, L.L.C. should present them in accordance with the following procedure:
  - (a) In order to file a claim with 3655 S. CAMPBELL, L.L.C., you must furnish the following:
    - (i) Amount of the claim
    - (ii) Basis for the claim
    - (iii) Documentation for the claim
  - (b) The claim must be mailed to:

c/o Gretchen Gold  
1200 Main Street, Ste. 2300  
Kansas City, Missouri 64105
5. A claim against 3655 S. CAMPBELL, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

Notice is hereby given that Community Services Corporation, a Missouri corporation, with its registered office at 20 East School St., Bonne Terre, MO 63628, has been dissolved as of November 30, 2005, pursuant to the provisions of The General and Business Corporation Law of Missouri. Community Services Corporation requests that persons with claims against the corporation present the claims in accordance with the Missouri general corporate code. Any claim must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred and whether the claim is secured, and if so, the collateral used as security. The claim must be sent to Community Services Corporation, 20 East School St., Bonne Terre, MO 63628. Any claim against Community Services Corporation not otherwise barred, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of the notices authorized by statute, whichever is published last.

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003), 29 (2004) and 30 (2005). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 1724 28 MoReg 1861 29 MoReg 1610 30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	30 MoReg 1783	30 MoReg 1697	30 MoReg 2407	
1 CSR 10-8.010	Commissioner of Administration		30 MoReg 1614	30 MoReg 2309	
1 CSR 10-15.010	Commissioner of Administration	30 MoReg 1783	30 MoReg 1698	30 MoReg 2407	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		30 MoReg 2384		
1 CSR 30-5.010	Design and Construction		30 MoReg 2476		
1 CSR 35-1.050	Division of Facilities Management		30 MoReg 2478		
1 CSR 35-2.030	Division of Facilities Management		30 MoReg 2478		
1 CSR 40-1.060	Purchasing and Materials Management		30 MoReg 1527	30 MoReg 2407	
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council ( <i>Changed from 8 CSR 70-1.010</i> )		30 MoReg 1441	30 MoReg 2309	
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council ( <i>Changed from 8 CSR 70-1.020</i> )		30 MoReg 1441	30 MoReg 2309	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.005	Animal Health		30 MoReg 1900		
2 CSR 30-2.010	Animal Health		30 MoReg 1529	30 MoReg 2573	
2 CSR 70-13.030	Plant Industries		30 MoReg 2240		
2 CSR 70-13.040	Plant Industries		30 MoReg 2240		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission		30 MoReg 1708	30 MoReg 2309	
3 CSR 10-4.110	Conservation Commission		30 MoReg 2142	This Issue	
3 CSR 10-4.113	Conservation Commission		30 MoReg 2142	This Issue	
3 CSR 10-4.130	Conservation Commission		30 MoReg 2143	This Issue	
3 CSR 10-4.135	Conservation Commission		30 MoReg 2017	30 MoReg 2574	
			This Issue		
3 CSR 10-4.136	Conservation Commission		30 MoReg 2017	30 MoReg 2574	
3 CSR 10-4.137	Conservation Commission		30 MoReg 2018	30 MoReg 2574	
3 CSR 10-4.140	Conservation Commission		30 MoReg 2018	30 MoReg 2575	
3 CSR 10-4.145	Conservation Commission		30 MoReg 2018	30 MoReg 2575	
3 CSR 10-5.205	Conservation Commission		30 MoReg 2241		
3 CSR 10-5.215	Conservation Commission		30 MoReg 2143	This Issue	
3 CSR 10-5.352	Conservation Commission		30 MoReg 2143	This Issue	
3 CSR 10-5.552	Conservation Commission		30 MoReg 2144	This Issue	
3 CSR 10-5.554	Conservation Commission		30 MoReg 2144	This Issue	
3 CSR 10-6.405	Conservation Commission		30 MoReg 2144	This Issue	
3 CSR 10-6.410	Conservation Commission		30 MoReg 2145	This Issue	
3 CSR 10-6.415	Conservation Commission		30 MoReg 2145	This Issue	
3 CSR 10-6.510	Conservation Commission		30 MoReg 2145	This Issue	
3 CSR 10-6.511	Conservation Commission		30 MoReg 2146	This Issue	
3 CSR 10-6.515	Conservation Commission		30 MoReg 2146	This Issue	
3 CSR 10-6.535	Conservation Commission		30 MoReg 2019	30 MoReg 2575	
3 CSR 10-6.545	Conservation Commission		30 MoReg 2146	This Issue	
3 CSR 10-6.605	Conservation Commission		30 MoReg 2147	This Issue	
3 CSR 10-7.405	Conservation Commission		30 MoReg 2147	This Issue	
3 CSR 10-7.430	Conservation Commission		30 MoReg 2147	This Issue	
3 CSR 10-7.445	Conservation Commission		30 MoReg 2148	This Issue	
3 CSR 10-7.450	Conservation Commission		30 MoReg 2385		
3 CSR 10-8.505	Conservation Commission		30 MoReg 2148	This Issue	
3 CSR 10-8.510	Conservation Commission		30 MoReg 2148	This Issue	
3 CSR 10-8.515	Conservation Commission		30 MoReg 2386		
3 CSR 10-9.105	Conservation Commission		30 MoReg 2149	This Issue	
3 CSR 10-9.110	Conservation Commission		30 MoReg 2153	This Issue	
3 CSR 10-9.220	Conservation Commission		30 MoReg 2153	This Issue	
3 CSR 10-9.353	Conservation Commission		30 MoReg 2154	This Issue	
3 CSR 10-9.565	Conservation Commission		30 MoReg 2154	This Issue	
3 CSR 10-10.711	Conservation Commission		30 MoReg 2386		
3 CSR 10-10.716	Conservation Commission		30 MoReg 2388		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-10.722	Conservation Commission		30 MoReg 2155	This Issue	
3 CSR 10-10.724	Conservation Commission		30 MoReg 2156	This Issue	
3 CSR 10-10.725	Conservation Commission		30 MoReg 2158	This Issue	
3 CSR 10-10.726	Conservation Commission		30 MoReg 2158	This Issue	
3 CSR 10-10.782	Conservation Commission		30 MoReg 2159	This Issue	
3 CSR 10-11.110	Conservation Commission		30 MoReg 2159	This Issue	
3 CSR 10-11.125	Conservation Commission		30 MoReg 2160	This Issue	
3 CSR 10-11.160	Conservation Commission		N.A.	This Issue	
3 CSR 10-11.180	Conservation Commission		30 MoReg 2160	This Issue	
3 CSR 10-11.200	Conservation Commission		30 MoReg 2161	This Issue	
3 CSR 10-11.205	Conservation Commission		30 MoReg 2162	This Issue	
3 CSR 10-11.210	Conservation Commission		30 MoReg 2163	This Issue	
3 CSR 10-11.215	Conservation Commission		30 MoReg 2163	This Issue	
3 CSR 10-12.109	Conservation Commission		30 MoReg 2164	This Issue	
3 CSR 10-12.110	Conservation Commission		30 MoReg 2164	This Issue	
3 CSR 10-12.115	Conservation Commission		30 MoReg 2019	30 MoReg 2575	
3 CSR 10-12.125	Conservation Commission		30 MoReg 2019	30 MoReg 2575	
3 CSR 10-12.135	Conservation Commission		N.A.	30 MoReg 2407	
3 CSR 10-12.140	Conservation Commission		N.A.	30 MoReg 2408	
3 CSR 10-12.145	Conservation Commission		30 MoReg 2165	This Issue	
3 CSR 10-20.805	Conservation Commission		30 MoReg 2165	This Issue	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 30-1.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2020		
4 CSR 30-1.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2020		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2021		
4 CSR 30-5.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2021		
4 CSR 30-5.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2022		
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-7.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-13.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-17.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-18.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-19.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-20.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 70-2.090	State Board of Chiropractic Examiners		30 MoReg 1792	30 MoReg 2575	
4 CSR 95-1.020	Committee for Professional Counselors		30 MoReg 1614	30 MoReg 2310	
4 CSR 100	Division of Credit Unions				30 MoReg 2195 30 MoReg 2339 30 MoReg 2508
4 CSR 100-2.045	Division of Credit Unions		30 MoReg 2479R		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		30 MoReg 1440	30 MoReg 2310	
4 CSR 195-3.010	Division of Workforce Development		30 MoReg 1322R	30 MoReg 2310R	
			30 MoReg 1323	30 MoReg 2310	
4 CSR 195-3.020	Division of Workforce Development		30 MoReg 1328	30 MoReg 2310	
4 CSR 200-4.020	State Board of Nursing		30 MoReg 1795		
4 CSR 200-6.010	State Board of Nursing		30 MoReg 2022R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 200-6.020	State Board of Nursing		30 MoReg 2022		
4 CSR 200-6.030	State Board of Nursing		30 MoReg 2024		
4 CSR 200-6.040	State Board of Nursing		30 MoReg 2025		
4 CSR 200-6.050	State Board of Nursing		30 MoReg 2032		
4 CSR 200-6.060	State Board of Nursing		30 MoReg 2032		
4 CSR 205-5.010	Missouri Board of Occupational Therapy		This Issue		
4 CSR 220-2.100	State Board of Pharmacy		30 MoReg 1534	30 MoReg 2576	
4 CSR 220-4.010	State Board of Pharmacy		30 MoReg 1538	30 MoReg 2576	
4 CSR 220-5.020	State Board of Pharmacy		30 MoReg 1538	30 MoReg 2576	
4 CSR 232-3.010	Missouri State Committee of Interpreters		This Issue		
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.240	Public Service Commission		30 MoReg 2033R		
			30 MoReg 2034		
4 CSR 240-3.330	Public Service Commission		30 MoReg 2037R		
			30 MoReg 2037		
4 CSR 240-3.440	Public Service Commission		30 MoReg 2041R		
			30 MoReg 2041		
4 CSR 240-3.570	Public Service Commission		30 MoReg 2479		
4 CSR 240-3.635	Public Service Commission		30 MoReg 2045R		
			30 MoReg 2045		
4 CSR 240-31.010	Public Service Commission	30 MoReg 1435	30 MoReg 1617	This Issue	
4 CSR 240-31.030	Public Service Commission		30 MoReg 1617	This Issue	
4 CSR 240-31.050	Public Service Commission	30 MoReg 1435	30 MoReg 1618	This Issue	
4 CSR 240-31.060	Public Service Commission		30 MoReg 1619	This Issue	
4 CSR 240-31.080	Public Service Commission		30 MoReg 1619	This Issue	
4 CSR 255-1.040	Missouri Board for Respiratory Care		30 MoReg 1798		
4 CSR 263-2.031	State Committee for Social Workers		30 MoReg 1708	30 MoReg 2576	
4 CSR 265-10.020	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.020)	30 MoReg 1889	30 MoReg 1900		
4 CSR 270-1.031	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-1.050	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-4.011	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-4.041	Missouri Veterinary Medical Board		This Issue		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 50-340.200	Division of School Improvement		30 MoReg 1620R	30 MoReg 2576R	
5 CSR 50-345.300	Division of School Improvement		30 MoReg 1620	30 MoReg 2576	
5 CSR 70-742.141	Special Education		N.A.	30 MoReg 2578	
5 CSR 80-800.200	Teacher Quality and Urban Education		30 MoReg 1621	30 MoReg 2580	
5 CSR 80-800.220	Teacher Quality and Urban Education		30 MoReg 1623	30 MoReg 2580	
5 CSR 80-800.230	Teacher Quality and Urban Education		30 MoReg 1625	30 MoReg 2581	
5 CSR 80-800.260	Teacher Quality and Urban Education		30 MoReg 1630	30 MoReg 2582	
5 CSR 80-800.270	Teacher Quality and Urban Education		30 MoReg 1632	30 MoReg 2582	
5 CSR 80-800.280	Teacher Quality and Urban Education		30 MoReg 1634	30 MoReg 2583	
5 CSR 80-800.290	Teacher Quality and Urban Education		30 MoReg 1636	30 MoReg 2583	
5 CSR 80-800.350	Teacher Quality and Urban Education		30 MoReg 1638	30 MoReg 2583	
5 CSR 80-800.360	Teacher Quality and Urban Education		30 MoReg 1640	30 MoReg 2584	
5 CSR 80-800.380	Teacher Quality and Urban Education		30 MoReg 1642	30 MoReg 2584	
5 CSR 80-860.010	Teacher Quality and Urban Education		30 MoReg 1903		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 1440	30 MoReg 2310	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-2.010	Missouri Highways and Transportation Commission		30 MoReg 1708R	This IssueR	
7 CSR 10-24.010	Missouri Highways and Transportation Commission		30 MoReg 1904		
7 CSR 10-24.020	Missouri Highways and Transportation Commission		30 MoReg 1906		
7 CSR 10-24.030	Missouri Highways and Transportation Commission	30 MoReg 2373	30 MoReg 1907		
7 CSR 10-24.040	Missouri Highways and Transportation Commission		30 MoReg 1907		
7 CSR 10-24.050	Missouri Highways and Transportation Commission		30 MoReg 1908		
7 CSR 10-24.060	Missouri Highways and Transportation Commission		30 MoReg 1908		
7 CSR 10-24.070	Missouri Highways and Transportation Commission		30 MoReg 1912		
7 CSR 10-24.080	Missouri Highways and Transportation Commission		30 MoReg 1912		
7 CSR 10-24.100	Missouri Highways and Transportation Commission		30 MoReg 1913		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-24.110	Missouri Highways and Transportation Commission	30 MoReg 2374	30 MoReg 1914		
7 CSR 10-24.120	Missouri Highways and Transportation Commission	30 MoReg 2376	30 MoReg 1914		
7 CSR 10-24.130	Missouri Highways and Transportation Commission		30 MoReg 1915		
7 CSR 10-24.140	Missouri Highways and Transportation Commission		30 MoReg 1915		
7 CSR 10-24.150	Missouri Highways and Transportation Commission		30 MoReg 1916		
7 CSR 10-24.200	Missouri Highways and Transportation Commission		30 MoReg 1916		
7 CSR 10-24.210	Missouri Highways and Transportation Commission		30 MoReg 1917		
7 CSR 10-24.300	Missouri Highways and Transportation Commission		30 MoReg 1917		
7 CSR 10-24.310	Missouri Highways and Transportation Commission		30 MoReg 1919		
7 CSR 10-24.320	Missouri Highways and Transportation Commission		30 MoReg 1919		
7 CSR 10-24.330	Missouri Highways and Transportation Commission		30 MoReg 1920		
7 CSR 10-24.413	Missouri Highways and Transportation Commission		30 MoReg 1920		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission		30 MoReg 1709		
7 CSR 265-10.020	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-10.020)	30 MoReg 1889	30 MoReg 1900		30 MoReg 1960
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 10-4.190	Division of Employment Security	This Issue	This Issue		
8 CSR 20-2.010	Labor and Industrial Relations Commission		30 MoReg 1801	30 MoReg 2408	
8 CSR 50-2.020	Workers' Compensation		This Issue		
8 CSR 50-5.060	Workers' Compensation	30 MoReg 2467	30 MoReg 2486		
8 CSR 60-2.025	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.065	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.100	Missouri Commission on Human Rights		30 MoReg 1922		
8 CSR 60-2.130	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.150	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.210	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.010)		30 MoReg 1441	30 MoReg 2309	
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.020)		30 MoReg 1441	30 MoReg 2309	
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 10-5.200	Director, Department of Mental Health	30 MoReg 1991	30 MoReg 1924		
9 CSR 10-5.206	Director, Department of Mental Health		30 MoReg 2049		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-1.030	Air Conservation Commission		30 MoReg 1332	30 MoReg 2503	
10 CSR 10-2.390	Air Conservation Commission		30 MoReg 797	30 MoReg 2311	
10 CSR 10-5.480	Air Conservation Commission		30 MoReg 818	30 MoReg 2317	
10 CSR 10-5.510	Air Conservation Commission		30 MoReg 2049		
10 CSR 10-6.010	Air Conservation Commission		30 MoReg 1727		
10 CSR 10-6.020	Air Conservation Commission		30 MoReg 1730		
10 CSR 10-6.030	Air Conservation Commission		30 MoReg 1739		
10 CSR 10-6.040	Air Conservation Commission		30 MoReg 1740		
10 CSR 10-6.061	Air Conservation Commission		This Issue		
10 CSR 10-6.110	Air Conservation Commission		30 MoReg 1336	30 MoReg 2322	
10 CSR 20-7.015	Clean Water Commission		30 MoReg 838	30 MoReg 2408	
10 CSR 20-7.031	Clean Water Commission		30 MoReg 843	30 MoReg 2415	
10 CSR 23-3.100	Geological Survey and Resource Assessment Division	30 MoReg 755	30 MoReg 2241		
10 CSR 23-5.050	Geological Survey and Resource Assessment Division	30 MoReg 760	30 MoReg 2249		
10 CSR 25-17.010	Hazardous Waste Management Commission		30 MoReg 2252		
10 CSR 25-17.020	Hazardous Waste Management Commission		30 MoReg 2252		
10 CSR 25-17.030	Hazardous Waste Management Commission		30 MoReg 2253		
10 CSR 25-17.040	Hazardous Waste Management Commission		30 MoReg 2254		
10 CSR 25-17.050	Hazardous Waste Management Commission		30 MoReg 2260		
10 CSR 25-17.060	Hazardous Waste Management Commission		30 MoReg 2267		

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10 CSR 25-17.070	Hazardous Waste Management Commission		30 MoReg 2267		
10 CSR 25-17.080	Hazardous Waste Management Commission		30 MoReg 2274		
10 CSR 25-17.090	Hazardous Waste Management Commission		30 MoReg 2280		
10 CSR 25-17.100	Hazardous Waste Management Commission		30 MoReg 2286		
10 CSR 25-17.110	Hazardous Waste Management Commission		30 MoReg 2286		
10 CSR 25-17.120	Hazardous Waste Management Commission		30 MoReg 2287		
10 CSR 25-17.130	Hazardous Waste Management Commission		30 MoReg 2288		
10 CSR 25-17.140	Hazardous Waste Management Commission		30 MoReg 2288		
10 CSR 25-17.150	Hazardous Waste Management Commission		30 MoReg 2289		
10 CSR 25-17.160	Hazardous Waste Management Commission		30 MoReg 2295		
10 CSR 25-17.170	Hazardous Waste Management Commission		30 MoReg 2295		
10 CSR 40-7.011	Land Reclamation Commission		This Issue		
10 CSR 40-7.021	Land Reclamation Commission		This Issue		
10 CSR 40-7.031	Land Reclamation Commission		This Issue		
10 CSR 40-7.041	Land Reclamation Commission		This Issue		
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 140-2.020	Division of Energy				30 MoReg 2096
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-5.010	Adjutant General	30 MoReg 1784	30 MoReg 1801	30 MoReg 2585	
11 CSR 10-7.010	Adjutant General	30 MoReg 2549	30 MoReg 2556		
11 CSR 30-5.020	Office of the Director		30 MoReg 1539	This Issue	
11 CSR 30-5.050	Office of the Director		30 MoReg 1539	This Issue	
11 CSR 30-10.010	Office of the Director		30 MoReg 2295		
11 CSR 30-10.020	Office of the Director		30 MoReg 2296		
11 CSR 45-5.180	Missouri Gaming Commission		30 MoReg 1644	30 MoReg 2504	
11 CSR 45-5.181	Missouri Gaming Commission		30 MoReg 1644	30 MoReg 2505	
11 CSR 45-5.237	Missouri Gaming Commission		30 MoReg 2488		
11 CSR 45-12.091	Missouri Gaming Commission		30 MoReg 1925	This Issue	
11 CSR 50-2.160	Missouri State Highway Patrol		30 MoReg 2296		
11 CSR 50-2.200	Missouri State Highway Patrol		30 MoReg 2297		
11 CSR 50-2.320	Missouri State Highway Patrol		30 MoReg 2297		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-1.020	Director of Revenue		30 MoReg 2488		
12 CSR 10-2.195	Director of Revenue		30 MoReg 982R		
			30 MoReg 2489R		
12 CSR 10-3.470	Director of Revenue		30 MoReg 2489R		
12 CSR 10-3.566	Director of Revenue		30 MoReg 2489R		
12 CSR 10-3.568	Director of Revenue		30 MoReg 2490R		
12 CSR 10-3.892	Director of Revenue		30 MoReg 2490R		
12 CSR 10-5.030	Director of Revenue		30 MoReg 2050R		
12 CSR 10-5.045	Director of Revenue		30 MoReg 2050R		
12 CSR 10-5.055	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.065	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.072	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.085	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.090	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.095	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.100	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.500	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.510	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.525	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.530	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.535	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.540	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.570	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.575	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.585	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.590	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.595	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.605	Director of Revenue		30 MoReg 2169R		
12 CSR 10-6.030	Director of Revenue		30 MoReg 2490		
12 CSR 10-11.050	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.060	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.080	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.160	Director of Revenue		30 MoReg 2170R		
12 CSR 10-11.180	Director of Revenue		30 MoReg 2170R		
12 CSR 10-16.010	Director of Revenue		30 MoReg 2298R		
12 CSR 10-16.020	Director of Revenue		30 MoReg 2299R		
12 CSR 10-16.030	Director of Revenue		30 MoReg 2299R		
12 CSR 10-16.040	Director of Revenue		30 MoReg 2299		
12 CSR 10-16.050	Director of Revenue		30 MoReg 2300R		
12 CSR 10-16.060	Director of Revenue		30 MoReg 2300		
12 CSR 10-16.070	Director of Revenue		30 MoReg 2300		
12 CSR 10-16.090	Director of Revenue		30 MoReg 2301		
12 CSR 10-16.100	Director of Revenue		30 MoReg 2301		
12 CSR 10-16.110	Director of Revenue		30 MoReg 2302		

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12 CSR 10-16.120	Director of Revenue		30 MoReg 2302		
12 CSR 10-16.130	Director of Revenue		30 MoReg 2303		
12 CSR 10-16.140	Director of Revenue		30 MoReg 2303		
12 CSR 10-16.150	Director of Revenue		30 MoReg 2304		
12 CSR 10-16.160	Director of Revenue		30 MoReg 2305R		
12 CSR 10-16.170	Director of Revenue		30 MoReg 2305		
12 CSR 10-23.390	Director of Revenue		30 MoReg 2559R		
12 CSR 10-23.428	Director of Revenue	30 MoReg 1491R	30 MoReg 1539R	30 MoReg 2333R	
12 CSR 10-23.440	Director of Revenue		30 MoReg 2493R		
12 CSR 10-24.030	Director of Revenue		30 MoReg 2493		
12 CSR 10-24.120	Director of Revenue		30 MoReg 2559R		
12 CSR 10-24.300	Director of Revenue		30 MoReg 2053		
12 CSR 10-24.325	Director of Revenue		30 MoReg 2054		
12 CSR 10-24.335	Director of Revenue		30 MoReg 1741	30 MoReg 2505	
12 CSR 10-24.412	Director of Revenue		30 MoReg 2170		
12 CSR 10-24.448	Director of Revenue	30 MoReg 1603	30 MoReg 1645	30 MoReg 2432	
12 CSR 10-41.010	Director of Revenue	30 MoReg 2550 This Issue	30 MoReg 2494 This Issue		
12 CSR 10-101.600	Director of Revenue		30 MoReg 2054		
12 CSR 10-101.700	Director of Revenue		30 MoReg 2559		
12 CSR 10-103.220	Director of Revenue		30 MoReg 2055		
12 CSR 10-103.350	Director of Revenue		30 MoReg 2171		
12 CSR 10-103.620	Director of Revenue		30 MoReg 2559		
12 CSR 10-405.100	Director of Revenue		30 MoReg 2388		
12 CSR 10-405.105	Director of Revenue		30 MoReg 2389		
12 CSR 10-405.200	Director of Revenue		30 MoReg 2393		
12 CSR 10-405.205	Director of Revenue		30 MoReg 2394		
12 CSR 40-80.080	State Lottery		30 MoReg 2563		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-34.080	Children's Division		30 MoReg 2399		
13 CSR 35-80.020	Children's Division	30 MoReg 1491	30 MoReg 1540	30 MoReg 2189	
13 CSR 40-2.030	Family Support Division		30 MoReg 2176		
13 CSR 40-2.200	Family Support Division	30 MoReg 1785	30 MoReg 1647	30 MoReg 2505	
13 CSR 40-2.240	Family Support Division		30 MoReg 1540R	30 MoReg 2333R	
13 CSR 40-2.375	Family Support Division	30 MoReg 1436	30 MoReg 1441	30 MoReg 2333	
13 CSR 40-2.380	Family Support Division		30 MoReg 1542R	30 MoReg 2333R	
13 CSR 40-19.020	Family Support Division	30 MoReg 1993	30 MoReg 2055		
13 CSR 70-2.020	Division of Medical Services	30 MoReg 1522R	30 MoReg 1542R	30 MoReg 2333R	
13 CSR 70-3.020	Division of Medical Services		30 MoReg 2498		
13 CSR 70-3.170	Division of Medical Services		30 MoReg 1444	30 MoReg 2432	
13 CSR 70-4.050	Division of Medical Services	30 MoReg 1891	30 MoReg 1350	30 MoReg 2192	
13 CSR 70-4.080	Division of Medical Services	30 MoReg 1892	30 MoReg 1131	30 MoReg 2094	
			30 MoReg 2563		
13 CSR 70-4.090	Division of Medical Services	30 MoReg 1522	30 MoReg 1544	30 MoReg 2333	
13 CSR 70-4.110	Division of Medical Services	30 MoReg 1894	30 MoReg 1354	30 MoReg 2095	
13 CSR 70-10.015	Division of Medical Services	30 MoReg 1605			
13 CSR 70-10.080	Division of Medical Services	30 MoReg 1607			
13 CSR 70-15.010	Division of Medical Services		30 MoReg 1549	30 MoReg 2334	
13 CSR 70-15.030	Division of Medical Services		30 MoReg 1554	30 MoReg 2334	
13 CSR 70-15.080	Division of Medical Services		30 MoReg 1556R	30 MoReg 2334R	
13 CSR 70-15.110	Division of Medical Services	30 MoReg 1525	30 MoReg 1558	30 MoReg 2335	
13 CSR 70-15.160	Division of Medical Services		30 MoReg 1560	30 MoReg 2335	
13 CSR 70-28.010	Division of Medical Services		30 MoReg 2306		
13 CSR 70-35.010	Division of Medical Services	30 MoReg 1995	30 MoReg 1562	30 MoReg 2585	
13 CSR 70-40.010	Division of Medical Services	30 MoReg 1895	30 MoReg 1448	30 MoReg 2193	
13 CSR 70-45.010	Division of Medical Services	30 MoReg 1896	30 MoReg 1649	30 MoReg 2586	
13 CSR 70-60.010	Division of Medical Services	30 MoReg 1896	30 MoReg 1566	30 MoReg 2335	
13 CSR 70-90.010	Division of Medical Services	30 MoReg 1897	30 MoReg 1450	30 MoReg 2335	
13 CSR 70-97.010	Division of Medical Services	30 MoReg 1998	30 MoReg 1450	30 MoReg 2193	
13 CSR 70-99.010	Division of Medical Services	30 MoReg 1898	30 MoReg 1451	30 MoReg 2194	
<b>DEPARTMENT OF CORRECTIONS</b>					
14 CSR 80-5.010	State Board of Probation and Parole	30 MoReg 2377	30 MoReg 2400		
14 CSR 80-5.020	State Board of Probation and Parole	30 MoReg 2378	30 MoReg 2400		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-50.030	Secretary of State		30 MoReg 1742	30 MoReg 2506	
15 CSR 30-50.040	Secretary of State		30 MoReg 2307		
15 CSR 30-51.100	Secretary of State		30 MoReg 2057		
15 CSR 30-54.215	Secretary of State		30 MoReg 2308		
15 CSR 30-54.260	Secretary of State		30 MoReg 2563		
15 CSR 60-14.040	Attorney General	30 MoReg 2382	30 MoReg 2406		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-1.040	The Public School Retirement System of Missouri		30 MoReg 2057		
16 CSR 10-1.050	The Public School Retirement System of Missouri		30 MoReg 2058		
16 CSR 10-3.010	The Public School Retirement System of Missouri		30 MoReg 2058		

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16 CSR 10-4.005	The Public School Retirement System of Missouri		30 MoReg 2059		
16 CSR 10-4.010	The Public School Retirement System of Missouri		30 MoReg 2059		
16 CSR 10-4.012	The Public School Retirement System of Missouri		30 MoReg 2060		
16 CSR 10-4.014	The Public School Retirement System of Missouri		30 MoReg 2060		
16 CSR 10-5.020	The Public School Retirement System of Missouri		30 MoReg 2061		
16 CSR 10-5.030	The Public School Retirement System of Missouri		30 MoReg 2061 30 MoReg 2498		
16 CSR 10-6.010	The Public School Retirement System of Missouri		30 MoReg 2062		
16 CSR 10-6.020	The Public School Retirement System of Missouri		30 MoReg 2062		
16 CSR 10-6.040	The Public School Retirement System of Missouri		30 MoReg 2063		
16 CSR 10-6.045	The Public School Retirement System of Missouri		30 MoReg 2064		
16 CSR 10-6.060	The Public School Retirement System of Missouri		30 MoReg 2065		
16 CSR 10-6.090	The Public School Retirement System of Missouri		30 MoReg 2065 30 MoReg 2499		
16 CSR 50-1.010	The County Employees' Retirement Fund		30 MoReg 2564		
16 CSR 50-2.035	The County Employees' Retirement Fund		30 MoReg 1742 30 MoReg 2564	30 MoReg 2586	
16 CSR 50-2.040	The County Employees' Retirement Fund		30 MoReg 2566		
16 CSR 50-2.120	The County Employees' Retirement Fund		30 MoReg 2566		
16 CSR 50-2.130	The County Employees' Retirement Fund		30 MoReg 2567		
16 CSR 50-2.160	The County Employees' Retirement Fund		30 MoReg 2567		
16 CSR 50-10.030	The County Employees' Retirement Fund		30 MoReg 2568		
16 CSR 50-10.050	The County Employees' Retirement Fund		30 MoReg 2568		
16 CSR 50-20.120	The County Employees' Retirement Fund		30 MoReg 2568		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 30-1.032	Division of Senior Services and Regulation	30 MoReg 1999	30 MoReg 2066		
19 CSR 30-1.074	Division of Senior Services and Regulation	30 MoReg 1999	30 MoReg 2066		
19 CSR 30-20.011	Division of Senior Services and Regulation		30 MoReg 2177		
19 CSR 30-20.021	Division of Senior Services and Regulation	30 MoReg 2000	30 MoReg 2070		
19 CSR 30-30.010	Division of Senior Services and Regulation		30 MoReg 2179		
19 CSR 30-30.020	Division of Senior Services and Regulation		30 MoReg 2181		
19 CSR 30-81.010	Division of Senior Services and Regulation		30 MoReg 2499		
19 CSR 30-81.020	Division of Senior Services and Regulation		30 MoReg 1925		
19 CSR 30-81.030	Division of Regulation and Licensure	30 MoReg 1608	30 MoReg 1651	30 MoReg 2433	
19 CSR 30-86.022	Division of Senior Services and Regulation		30 MoReg 1804	30 MoReg 2586	
19 CSR 60-50	Missouri Health Facilities Review Committee				30 MoReg 2434 30 MoReg 2587
19 CSR 60-50.430	Missouri Health Facilities Review Committee	30 MoReg 1525	30 MoReg 1569	30 MoReg 2337	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		30 MoReg 1357	30 MoReg 2433W	
<b>DEPARTMENT OF INSURANCE</b>					
20 CSR	Medical Malpractice				28 MoReg 489 29 MoReg 505 30 MoReg 481
20 CSR	Sovereign Immunity Limits				27 MoReg 2319 28 MoReg 2265 30 MoReg 108 30 MoReg 2587
20 CSR 10-2.400	General Administration	30 MoReg 2003	30 MoReg 2084		
20 CSR 200-6.100	Financial Examination		30 MoReg 2502		
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-2.165	Life, Annuities and Health		30 MoReg 2085		
20 CSR 400-3.650	Life, Annuities and Health	30 MoReg 1219	30 MoReg 1358	30 MoReg 2095	
20 CSR 400-5.600	Life, Annuities and Health		30 MoReg 1804	This Issue	
20 CSR 400-7.095	Life, Annuities and Health		30 MoReg 1808		
20 CSR 400-10.100	Life, Annuities and Health		30 MoReg 1159	30 MoReg 2337	
20 CSR 700-1.010	Licensing		30 MoReg 2187		
20 CSR 700-1.145	Licensing	30 MoReg 1043	30 MoReg 1068 30 MoReg 2308		
20 CSR 700-1.146	Licensing		30 MoReg 1743	30 MoReg 2506	
20 CSR 700-1.147	Licensing		30 MoReg 1743	30 MoReg 2506	
<b>MISSOURI FAMILY TRUST</b>					
21 CSR 10-1.010	Director and Board of Trustees		30 MoReg 1161	30 MoReg 2337	
21 CSR 10-1.020	Director and Board of Trustees		30 MoReg 1161	30 MoReg 2337	
21 CSR 10-1.030	Director and Board of Trustees		30 MoReg 1162	30 MoReg 2337	
21 CSR 10-2.010	Director and Board of Trustees		30 MoReg 1162	30 MoReg 2338	
21 CSR 10-3.010	Director and Board of Trustees		30 MoReg 1167	30 MoReg 2338	
21 CSR 10-4.010	Director and Board of Trustees		30 MoReg 1168	30 MoReg 2338	
21 CSR 10-4.020	Director and Board of Trustees		30 MoReg 1168	30 MoReg 2338	

**Agency****Publication****Expiration****Office of Administration****Commissioner of Administration**

1 CSR 10-4.010	State of Missouri Vender Payroll Deductions . . . . .	30 MoReg 1783	. . . . .	February 27, 2006
1 CSR 10-15.010	Cafeteria Plan . . . . .	30 MoReg 1783	. . . . .	February 27, 2006

**Department of Economic Development****Public Service Commission**

4 CSR 240-31.010	Definitions . . . . .	30 MoReg 1435	. . . . .	February 15, 2006
4 CSR 240-31.050	Eligibility for Funding—Low-Income Customers and Disabled Customers. . . . .	30 MoReg 1435	. . . . .	February 15, 2006

**Division of Motor Carrier and Railroad Safety**

4 CSR 265-10.020	Licensing of Vehicles . . . . .	30 MoReg 1889	. . . . .	February 23, 2006
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**Department of Transportation****Missouri Highways and Transportation Commission**

7 CSR 10-24.030	Procedures for Solicitations and Receipt of Proposals. . . . .	30 MoReg 2373	. . . . .	April 25, 2006
7 CSR 10-24.110	Solicitation Procedures for Competitive Proposals . . . . .	30 MoReg 2374	. . . . .	April 25, 2006
7 CSR 10-24.120	Past Performance . . . . .	30 MoReg 2376	. . . . .	April 25, 2006

**Motor Carrier and Railroad Safety**

7 CSR 265-10.020	Licensing of Vehicles . . . . .	30 MoReg 1889	. . . . .	February 23, 2006
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**Department of Labor and Industrial Relations****Division of Employment Security**

8 CSR 10-4.190	State Unemployment Tax Act Dumping. . . . .	This Issue	. . . . .	June 29, 2006
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**Workers' Compensation**

8 CSR 50-2.020	Administration. . . . .	Next Issue	. . . . .	June 19, 2006
8 CSR 50-5.060	Evaluation of Hearing Disability . . . . .	30 MoReg 2467	. . . . .	April 27, 2006

**Department of Mental Health****Director, Department of Mental Health**

9 CSR 10-5.200	Report of Complaints of Abuse, Neglect and Misuse of Funds/Property. 30 MoReg 1991	. . . . .	February 28, 2006
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**Department of Public Safety****Adjutant General**

11 CSR 10-5.010	Missouri Veteran's Recognition Program. . . . .	30 MoReg 1784	. . . . .	January 24, 2006
11 CSR 10-7.010	Missouri Military Family Relief Fund. . . . .	30 MoReg 2549	. . . . .	May 10, 2006

**Department of Revenue****Director of Revenue**

12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	This Issue	. . . . .	Terminated December 21, 2005
12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	This Issue	. . . . .	June 29, 2006

**Department of Social Services****Family Support Division**

13 CSR 40-2.200	Determining Eligibility for Medical Assistance. . . . .	30 MoReg 1785	. . . . .	February 23, 2006
13 CSR 40-19.020	Low Income Home Energy Assistance Program . . . . .	30 MoReg 1993	. . . . .	March 31, 2006

**Division of Medical Services**

13 CSR 70-4.050	Copayment and Coinsurance for Certain Medicaid-Covered Services . . .	30 MoReg 1891	. . . . .	February 27, 2006
13 CSR 70-4.080	Children’s Health Insurance Program . . . . .	30 MoReg 1892	. . . . .	February 27, 2006
13 CSR 70-4.110	Placement of Liens on Property of Certain Institutionalized Medicaid Eligible Persons . . . . .	30 MoReg 1894	. . . . .	February 27, 2006
13 CSR 70-35.010	Dental Benefits and Limitations, Medicaid Program . . . . .	30 MoReg 1995	. . . . .	February 27, 2006
13 CSR 70-40.010	Optical Care Benefits and Limitations—Medicaid Program . . . . .	30 MoReg 1895	. . . . .	February 27, 2006
13 CSR 70-45.010	Hearing Aid Program . . . . .	30 MoReg 1896	. . . . .	February 27, 2006
13 CSR 70-60.010	Durable Medicaid Equipment Program . . . . .	30 MoReg 1896	. . . . .	February 27, 2006
13 CSR 70-90.010	Home Health-Care Services . . . . .	30 MoReg 1897	. . . . .	February 27, 2006
13 CSR 70-97.010	Health Insurance Premium Payment (HIPP) Program . . . . .	30 MoReg 1998	. . . . .	February 27, 2006
13 CSR 70-99.010	Comprehensive Day Rehabilitation Program . . . . .	30 MoReg 1898	. . . . .	February 27, 2006

**Department of Corrections****State Board of Probation and Parole**

14 CSR 80-5.010	Definitions for Intervention Fee. . . . .	30 MoReg 2377	. . . . .	April 29, 2006
14 CSR 80-5.020	Intervention Fee Procedure. . . . .	30 MoReg 2378	. . . . .	April 29, 2006

## **Elected Officials**

### **Attorney General**

<b>15 CSR 60-14.010</b>	Claims by the Boards of Police Commissioners of St. Louis and Kansas City . . . . .	30 MoReg 2382 . . . . .	April 14, 2006
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## **Department of Health and Senior Services**

### **Division of Senior and Disability Services**

<b>19 CSR 15-8.100</b>	Definitions . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.200</b>	Eligibility . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.300</b>	Eligibility for Non-Medicaid Eligible Program . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.400</b>	Providers . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.400</b>	Vendors . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.500</b>	Hearing Rights . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.510</b>	Informal Review . . . . .	Next Issue . . . . .	June 23, 2006
<b>19 CSR 15-8.520</b>	Hearing . . . . .	Next Issue . . . . .	June 23, 2006

### **Division of Senior Services and Regulation**

<b>19 CSR 30-1.032</b>	Security for Nonpractitioners . . . . .	30 MoReg 1999 . . . . .	February 23, 2006
<b>19 CSR 30-1.074</b>	Dispensing Without a Prescription . . . . .	30 MoReg 1999 . . . . .	February 23, 2006
<b>19 CSR 30-20.021</b>	Organization and Management for Hospitals . . . . .	30 MoReg 2000 . . . . .	March 9, 2006

## **Department of Insurance**

### **General Administration**

<b>20 CSR 10-2.400</b>	Records . . . . .	30 MoReg 2003 . . . . .	February 23, 2006
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### **Life, Annuities and Health**

<b>20 CSR 400-3.650</b>	Medicare Supplement Insurance Minimum Standards Act . . . . .	30 MoReg 1219 . . . . .	February 2, 2006
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**Executive  
Orders****Subject Matter****Filed Date****Publication****2005**

<b>05-01</b>	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
<b>05-02</b>	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
<b>05-03</b>	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
<b>05-04</b>	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
<b>05-05</b>	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
<b>05-06</b>	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
<b>05-07</b>	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
<b>05-08</b>	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
<b>05-09</b>	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
<b>05-10</b>	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
<b>05-11</b>	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
<b>05-12</b>	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
<b>05-13</b>	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
<b>05-14</b>	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
<b>05-15</b>	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
<b>05-16</b>	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
<b>05-17</b>	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
<b>05-18</b>	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
<b>05-19</b>	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
<b>05-20</b>	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
<b>05-21</b>	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
<b>05-22</b>	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
<b>05-23</b>	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
<b>05-24</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
<b>05-25</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
<b>05-26</b>	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
<b>05-27</b>	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>05-28</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133
<b>05-29</b>	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
<b>05-30</b>	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
<b>05-31</b>	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
<b>05-32</b>	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
<b>05-33</b>	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
<b>05-34</b>	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
<b>05-35</b>	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
<b>05-36</b>	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
<b>05-37</b>	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
<b>05-38</b>	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
<b>05-39</b>	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472
<b>05-40</b>	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
<b>05-41</b>	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
<b>05-42</b>	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
<b>05-43</b>	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	Next Issue
<b>05-44</b>	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	Next Issue
<b>05-45</b>	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	Next Issue

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